

WORKING TOWARD A SEAMLESS COMMUNITY AND JUSTICE RESPONSE TO DOMESTIC VIOLENCE: A FIVE YEAR PLAN FOR ONTARIO

**A Report to the
Attorney General of Ontario**

**By the
Joint Committee on Domestic Violence**

August 1999

HQ
809.3
C2
J64
1999
c.1

HQ Joint Committee on Domestic
809.3 Violence (Ontario)
C2 Working towards a seamless
J64 community and justice response to
1999 domestic violence
c.1

00007588

HQ Joint Committee on Domestic
809.3 Violence (Ontario)
C2 Working towards a seamless
J64 community and justice response to
1999 domestic violence
c.1

MINISTRY OF THE
ATTORNEY GENERAL
LAW LIBRARY

August 12, 1999

The Honourable James Flaherty
Ministry of the Attorney General
720 Bay Street, 11th Floor
Toronto, Ontario
M5G 2K1

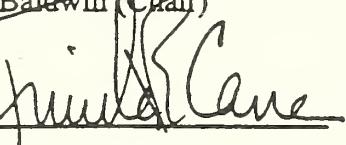
Dear Minister Flaherty:

The Joint Committee on Domestic Violence has completed its review of the 213 jury recommendations arising from the May/iles Coroner's Inquest. In addition to providing advice to various government ministries on domestic violence initiatives that are documented in the Government of Ontario Progress Report on Implementation of the Recommendations of the May/iles Coroner's Jury, we are pleased to submit our committee report that provides advice on strategies to address domestic violence over the next five years.

Within the time allotted, we have endeavored to provide advice to enhance the government's strategy to address the complex issues associated with domestic violence. In our efforts to address this enormous challenge, we have worked diligently to reach consensus as to the actions required by government and the community. It is clear to us that every sector must work together to address this public safety matter. We have welcomed the opportunity to offer our views on the future directions required to make Ontario a safer place for women and children, and hope that this work will result in significant systemic change.

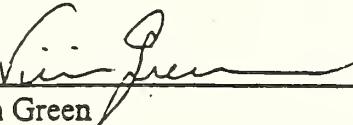
Sincerely,



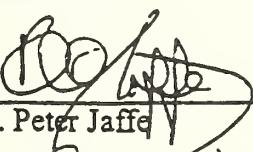
Judge Lesley Baldwin (Chair)


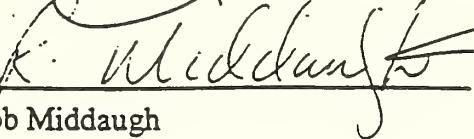
Trinela Cane



Angela Longo


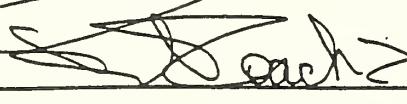
Vivien Green



Dr. Peter Jaffe


Bob Middaugh

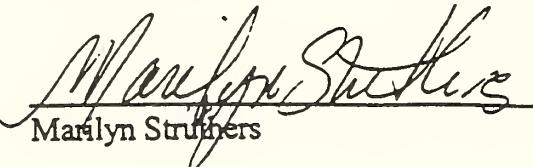


Ann Masson


Roz Roach



Barbara Saunders



Marilyn Strumers

Digitized by the Internet Archive
in 2017 with funding from
Ontario Council of University Libraries

https://archive.org/details/mag_00007588

PREFACE

The Joint Committee on Domestic Violence was formed to advise the government of Ontario on how best to implement 213 recommendations arising from the Coroner's Inquest into the murder of Arlene May – a victim of domestic violence. The wide-ranging recommendations called for change in almost every sector of society in terms of our response to domestic violence. The enormity of the assignment and the complexity of the issues involved presented a formidable challenge.

The committee was composed of senior government officials and experts on domestic violence from the community. As individuals, committee members came from different organizations and, at times, very different perspectives. As a team, the committee never lost sight of its common goal – to work toward ending domestic violence in Ontario. In the end, our diversity was both our greatest challenge and our greatest strength. The work of this committee underscores the fact that progress can only be made if we work together.

Just as every member in society is impacted by domestic violence, every member in society shares a responsibility for its eradication. In presenting our implementation plan we are calling upon the public, partners in the justice system, government ministries, social service agencies who provide services to victims and perpetrators, educators, and health care professionals to recognize and provide protection to victims of domestic violence. With concerted and sustained effort by all, tragic deaths such as Arlene May's will be preventable.

We extend our appreciation to the government staff and community experts who presented to our committee and assisted in identifying strategies and defining priorities in our collective work toward a seamless response to domestic violence. We are particularly grateful for the support received from the Domestic Violence Work Team of the Ministry of the Attorney General. We give special thanks to Cynthia Bettcher for her dedication and tireless efforts. Her organizational and writing skills were critical in the preparation of this report. We also acknowledge the assistance of Lawrence Hill in the preparation of a preliminary draft.

As chair of the committee, I wish to thank all members for their commitment to this project. The solutions we arrived at collectively will no doubt endure beyond the contributions each of us will make individually.

Lesley Baldwin

*We dedicate this report
to the memory of Arlene May
and the countless women and children
who have died at the hands of a “loved one”.*

As we approach the millennium, we are faced with the reality of violence occurring to women and children in our society. Until we, as a country stand up and declare a 'Zero Tolerance', this problem will not only continue, but in this jury's opinion, escalate. It is our belief that every person has an equal right to be protected from abuse. ... A combined effort must be made by our government and communities in order to put an end to family violence. The myths attached to family violence must be dispelled. Domestic violence is a criminal offence and must never be viewed as a 'private matter.'

Opening statement, Coroner's Jury, Inquest into the deaths of Arlene May and Randy Iles.

All Ontarians have the right to live without the fear of physical abuse. They must feel safe, and be safe, in their neighbourhoods, on their streets, and, above all, in their homes.

May 1999 Ontario Budget

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
SUMMARY OF RECOMMENDATIONS	vi
INTRODUCTION	1
AN OVERVIEW OF DOMESTIC VIOLENCE IN ONTARIO	2
Statistics on Domestic Violence	2
The Economic Costs of Domestic Violence.....	3
THE MAY/ILES CORONER'S INQUEST	4
THE JOINT COMMITTEE ON DOMESTIC VIOLENCE	5
16 CRITICAL STRATEGIES	9
The Joint Committee's Vision	11
THE ESSENTIAL COMMUNITY SERVICES	12
EVOLUTION OF SERVICES FOR DOMESTIC VIOLENCE	12
The Concept of "Court Catchment" Areas.....	13
STRATEGY 1:	
ENSURE ACCESS TO ESSENTIAL VICTIM SERVICES IN EACH COURT CATCHMENT AREA	14
Providing Services to Culturally Diverse Populations.....	16
Crisis Services	18
Access to Crisis Housing	19
Broader System Response to Domestic Violence	22
Priority Access to Legal Services	22
Health Sector's Response.....	24
Access to Long-Term Counselling	27
STRATEGY 2:	
ENSURE THAT CHILDREN EXPOSED TO DOMESTIC VIOLENCE HAVE ACCESS TO SERVICES	28
Crisis Services	29
Early Identification and Intervention	31
Counselling for Children Who Are Exposed to Domestic Violence	32
The Role of the Education System in Early Identification and Intervention	33
STRATEGY 3:	
STUDY THE EFFECTIVENESS AND IMPROVE ACCESS TO MALE BATTERERS PROGRAMS. SUPPORT INNOVATION IN RESPONSES TO MALE BATTERERS	38
Why Men Abuse	38
Why Fund Programs for Men Who Are Abusive?.....	39
Current Response	41
Current Issues.....	41
THE EFFECTIVE JUSTICE SYSTEM RESPONSE	45
A Common Definition of Domestic Violence for the Criminal Justice System	45
Current Government Initiatives to Improve the Justice System's Response	47

STRATEGY 4: IMPLEMENT STANDARDIZED, SPECIALIZED POLICE RESPONSE TO DOMESTIC VIOLENCE ACROSS THE PROVINCE	48
Victim Services and Referral	50
Risk Assessment and Duty to Warn	51
Children Exposed to Domestic Violence	54
Ensuring a Consistent Police Response Across Ontario	54
Exchange of Information and Community Coordination	55
Police Accountability	56
Recognizing Best Practices in the Police Service	57
STRATEGY 5: ENSURE CONSISTENT ENFORCEMENT OF RESTRAINING ORDERS AND EXPLORE STRATEGIES TO IMPROVE THEIR EFFECTIVENESS	57
STRATEGY 6: REINFORCE CROWN ATTORNEY LEADERSHIP BY IMPLEMENTING CONSISTENT STANDARDS AND ENSURING ACCOUNTABILITY	61
Bail Hearing	62
Trial and Sentencing Hearings	63
Use of Experts in Proceedings	63
Crown Policy Manual	65
Crown Attorney Accountability	67
STRATEGY 7: INTRODUCE SPECIALIZED COURT RESPONSES FOR PROSECUTING ALL DOMESTIC VIOLENCE CASES IN THE PROVINCE	67
Current Situation	67
Bail Procedures in Specialized Domestic Violence Courts/Court Processes	71
A Framework for Specialized Court Responses in Different Sized Communities	72
Victim Support Through the Criminal Justice Process	73
STRATEGY 8: AMEND LEGISLATION TO RECOGNIZE THE EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN	74
Family Law Changes – Children’s Law Reform Act	74
Child and Family Services Act	83
ACHIEVING SEAMLESSNESS	84
STRATEGY 9: IMPLEMENT STANDARDIZED RISK ASSESSMENT AND SAFETY PLANNING TOOLS ACROSS THE SYSTEM IN ONTARIO	85
Risk Assessment.....	85
Risk Assessment by Police and Community Service Providers.....	86
Risk Assessment by Probation/Parole and Correction’s Staff	88
Ongoing Evaluation and Updates of Risk Assessment Tools	90
Safety Planning for Women and Children at Risk of Domestic Violence	91
Health Professionals “Duty to Warn”	92

STRATEGY 10:	
ESTABLISH DOMESTIC VIOLENCE COORDINATING COMMITTEES IN EVERY COURT JURISDICTION	94
Purpose of a Community Coordinating Committee	94
Judicial Participation on Coordinating Committees	96
The Need for Agency, Community and Provincial Assessment	96
The Community Report Card	98
STRATEGY 11:	
INTRODUCE MECHANISMS FOR PROVINCIAL COORDINATION OF DOMESTIC VIOLENCE RESPONSES.....	100
The Provincial Report Card	100
Provincial and Regional Inter-Sectoral Symposia on Domestic Violence	102
STRATEGY 12:	
PROVIDE MORE EFFECTIVE EDUCATION AND TRAINING ON DOMESTIC VIOLENCE FOR EVERY SECTOR OF THE RESPONSE SYSTEM.....	103
Training on Domestic Violence – Multi-Sector Issues	106
Professional Education.....	107
Legal Education	108
Continuing Education and Training for Criminal Justice Personnel	109
Continuing Education for Health Professionals	114
STRATEGY 13:	
RECOGNIZE THAT PUBLIC EDUCATION IS AN ESSENTIAL PART OF ONTARIO'S APPROACH TO ADDRESS DOMESTIC VIOLENCE	116
STRATEGY 14: IMPLEMENT ACCOUNTABILITY MECHANISMS ACROSS ALL SECTORS.....	119
Safety First Audit	119
The Canadian Panel on Violence Against Women – Development of an Audit Tool	120
Domestic Violence Death Review Committee	122
FUNDING AND PLANNING PRIORITIES	123
STRATEGY 15:	
IMPLEMENT NEW AND INNOVATIVE FUNDING STRATEGIES TO SUPPORT DOMESTIC VIOLENCE INITIATIVES	123
Making the Best Use of Existing Resources	124
Collaborating with the Private Sector	126
Allocating New Funds for Core Services in Each Jurisdiction	128
Utilizing the Victim Justice Fund	128
Completing a Feasibility Study on a New Tax on Violent Entertainment	129
STRATEGY 16:	
DEVELOP A REALISTIC AND ATTAINABLE PLAN TO FULLY IMPLEMENT DOMESTIC VIOLENCE INITIATIVES OVER THE NEXT FIVE YEARS.....	130
ENDNOTES	140
LIST OF REFERENCES	144

APPENDICES	150
Appendix A <i>List of People Who Met With the Joint Committee on Domestic Violence</i>	151
Appendix B <i>Victim's Statement of Risk</i>	152
Appendix C <i>My Personal Safety Plan</i>	154
Appendix D <i>Children's Safety Plan</i>	162
Appendix E <i>The Community Report Card</i>	164
Appendix F <i>Provincial Report Card</i>	171
Appendix G <i>Glossary of Acronyms</i>	179

EXECUTIVE SUMMARY

The May/Iles inquest

On March 8, 1996, Arlene May was murdered by her estranged boyfriend, Randy Iles, who then killed himself. Arlene's death came after a lengthy abusive relationship with Iles. In February 1998, a Coroner's Inquest into their deaths began and explored primarily the criminal justice system's response to domestic violence. On July 2, 1998, the Jury released its verdict along with 213 recommendations intended to improve the systems' response to the needs of women and children experiencing domestic violence.

The Joint Committee on Domestic Violence

In response to the Jury recommendations, the Provincial Government created the Joint Committee on Domestic Violence in December 1998. The committee was composed of community experts in the field of domestic violence prevention and senior government officials and was chaired by Madame Justice Lesley Baldwin. The community experts on the Joint Committee were Marilyn Struthers, Vivien Green, Dr. Peter Jaffe, and Roz Roach. The government members of the Joint Committee were Assistant Deputy Ministers from the Ministry of the Attorney General, the Ministry of the Solicitor General, the Ministry of Correctional Services, the Ministry of Community and Social Services, and the Ontario Women's Directorate.

The mandate of the committee was to provide advice to the government on its implementation of the May/Iles Jury Recommendations, including advice on setting priorities related to the creation of domestic violence services and programs, the extent to which existing and planned programs

provide a seamless response across Ontario and are in keeping with the Jury's recommendations, and mechanisms required to provide ongoing monitoring of programs and services.

To fulfil their terms of reference, the committee worked with staff of various government ministries, heard about a wide range of domestic violence initiatives that are currently in place, and provided ongoing advice on initiatives that are in the process of development and/or implementation. The committee consulted with a number of stakeholders and selectively invited various community experts to meetings to share their knowledge and insights regarding specific jury recommendations.

The Joint Committee's Report to the Attorney General

The committee's final report was submitted to the Attorney General of Ontario, on August 13, 1999. The report identifies 16 critical strategies for taking action against domestic violence, organized under four categories.

The Joint Committee's 16 Critical Strategies

I. The Essential Community Services

This chapter of the report outlines the committee's advice in the area of services for women who have experienced domestic violence, children who are exposed to this violence, and male batterers. Recommendations in this chapter address access to services within each of the 54 court jurisdictions (or "communities") across the province. The critical strategies in this chapter include:

1. Ensure access to essential victim services in each court catchment area.

2. Ensure that children exposed to domestic violence have access to services.
3. Study the effectiveness of and improve access to male batterers' programs. Support innovation in responses to male batterers.

II. The Effective Justice System Response

This chapter begins with the committee's definition of domestic violence, which was developed for use by the criminal justice system to ensure that all cases of domestic violence are identified, responded to appropriately, and "tracked" as they progress through the system. The chapter continues with the committee's advice on strategies and mechanisms to improve the justice system's response to domestic violence, highlighting the safety of victims and their children, while holding the abuser accountable. These strategies include:

4. Implement standardized specialized Police response to domestic violence across the province.
5. Ensure consistent enforcement of restraining orders and explore strategies to improve their effectiveness.
6. Reinforce Crown Attorney leadership by implementing consistent standards and ensuring accountability.
7. Introduce specialized court responses for prosecuting all domestic violence cases in the province.
8. Amend legislation to recognize the effects of domestic violence on children (*Children's Law Reform Act* related to custody and access, and the *Child and Family Services Act*, related to children in need of protection).

III. Achieving Seamlessness

The concept of seamlessness was central to the 213 Jury Recommendations. The committee believed that individual domestic violence initiatives must be coordinated and integrated into a unified plan, and that each sector of the response system must work in concert with the others. Coordination among initiatives and sectors must occur at the local, community, and provincial level. To this end, the committee outlined 6 strategies to achieve seamlessness or full coordination. These strategies include:

9. Implement standardized risk assessment and safety planning tools across the system, throughout Ontario.
10. Establish domestic violence coordinating committees in every court jurisdiction.
11. Introduce mechanisms for provincial coordination of domestic violence responses.
12. Provide more effective education and training on domestic violence for every sector of the response system.
13. Recognize that public education is an essential part of Ontario's approach to address domestic violence.
14. Implement accountability mechanisms across all sectors.

IV. Funding and Planning Priorities

This final chapter of the report provides suggestions for ways to access the necessary resources to enhance the domestic violence response system. In addition to using existing resources more effectively, the committee outlines innovative funding strategies to support domestic violence

initiatives. Finally, each of the committee's 173 recommendations is prioritized for implementation over the next five years. The committee's strategies within this chapter include:

15. Implement new and innovative funding strategies to support domestic violence initiatives.
16. Develop a realistic and attainable plan to fully implement domestic violence initiatives over the next five years.

A summary of the 173 recommendations made by the Joint Committee follows this Executive Summary. Many of these recommendations consolidate the ongoing advice that the committee gave to government over the course of the committee's mandate. These recommendations are repeated in the report in order to present a comprehensive synopsis of the committee's work.

SUMMARY OF RECOMMENDATIONS

THE ESSENTIAL COMMUNITY SERVICES

Strategy 1: Ensure access to essential victim services in each court catchment area.

- 1) We recommend that a core of essential victim services be consistently accessible in each of the 54 court catchment areas in Ontario. These essential victim services include:
 - emergency shelters;
 - hospital-based emergency and other health services;
 - support, counselling and advocacy;
 - long-term counselling;
 - sexual assault services;
 - transitional housing; and
 - transitional supports (including access to housing, employment assistance and child care).
- 2) In recognition of the unique geographic, cultural, and demographic needs of northern communities, we recommend that coordinating committees, existing formal structures (e.g. Band councils, etc.), existing community networks (e.g. Ontario Native Women's Association), and the government, work collaboratively to develop and support the essential services in their court catchment areas. Government ministries may need to change their funding programs and structures to be more flexible, creative, and responsive in how support is provided to Northern communities.
- 3) We recommend that victim crisis services be expanded to each of the 54 court catchment areas in Ontario, in collaboration with the local community coordinating committees (where they exist). These crisis services could be delivered through the Victim Crisis Assistance and Referral Service (VCARS) model, through a specialized program of a Police service (such as Hamilton) or through another innovative model.
- 4) To provide a seamless crisis response to women who experience domestic violence, we recommend that community-based crisis services, such as the Assaulted Women's Helpline and other crisis lines, be adequately resourced.
- 5) Recognizing that victim crisis services are and will be delivered through various models and that VCARS currently have standards in place, we recommend that the Ministry of the Solicitor General establish a task group (consisting of representatives from Police, VCARS, and the Office for Victims of Crime) to develop provincial standards for all victim crisis response programs. These provincial standards will ensure that a consistent, quality service is provided across Ontario. The task group should also establish standards for how to provide victim crisis response for "high risk" victims.
- 6) One of the essential domestic violence services is emergency shelter. Each of the 54 court catchment areas require access to these essential shelter services. We recommend that the Ministry of Community and Social Services work in collaboration with the local

community coordinating committees to identify the best way to meet their communities' local needs for emergency shelter. For example, in some communities such as downtown Toronto, there may be a need for more crisis beds in shelters. In other communities additional shelter beds may not be the highest priority. In remote communities access to shelter beds for abused women might involve funding to assist women with transportation to shelters.

- 7) Without long-term, stable, and affordable housing, women leaving abusive situations cannot be safe. In many parts of the province there is a shortage of affordable housing. The *Golden Report (Taking Responsibility for Homelessness: An Action Plan for Toronto)* recognized the seriousness of homelessness and the unique vulnerability of victims of domestic violence. We recommend that as the Federal and Provincial governments and the Municipalities find affordable housing solutions that these solutions address the particular vulnerability of women leaving domestic violence situations.
- 8) We recommend that the Ministry of Municipal Affairs and Housing should implement a rent subsidy program specifically directed to abused women who are escaping violence and abusive relationships. This subsidy will build on the existing rent subsidy program and would be a portable program to allow women to apply for and receive a rent subsidy for private market housing.
- 9) We also recommend that increased resources be identified to fund transitional support programs to assist women to access resources necessary to establish a new life separate from the abuser. "Transitional supports" include assisting women to secure affordable housing, income support, child support, child care, legal aid, longer-term counselling, and education and training.

In places where these transitional supports do not exist or are inadequate to meet the needs of a particular community, we recommend that the government work in collaboration with the local community coordinating committees to determine where additional resources might be accessed to enhance these transitional supports for women.

- 10) To ensure that the needs of women and children are best served, protocols for inter-sectoral referral and collaboration should be developed between emergency/crisis services and community social service agencies. Shelters and community agencies should be encouraged and assisted to develop partnerships and protocols between themselves and other sectors and services, including VCARS, Victim/Witness Assistance Programmes (V/WAP), and Children's Aid Societies.
- 11) We support the government's direction in funding the *Specialized Legal Services for Abused Women* pilot of the *Barbra Schlifer Commemorative Clinic*. We recommend that the results of this pilot inform possible expansion of this type of specialized legal service for abused women, in locations throughout Ontario. Further, we recommend that Legal Aid Ontario should fund similar, innovative programs that support women who are

involved in both family and criminal court proceedings. The programs should address the need for information-sharing between these two court jurisdictions.

- 12) Legal Aid Ontario must communicate to abused women and services providers, the enhancements to legal services they have made, and determine if these services are sufficient to address the needs of women leaving abusive relationships.
- 13) For Family Court Assessments, we recommend that Legal Aid Ontario in consultation with bodies responsible for regulated health professionals ensure that assessors they fund have received specific training on domestic violence, and are qualified to do assessments in these situations.
- 14) We recommend that each community develop a multi-disciplinary approach to domestic violence which includes the central role of the health care sector. To this end, each District Health Council, in consultation with the local community coordinating/advisory committees on domestic violence, assess and document the available domestic violence resources within their catchment areas and promote the following health sector approaches:
 - improve identification and assessment of domestic violence cases in both hospitals, emergency health, and community health sectors;
 - promote the use of appropriate screening tools for patient assessment across the health sector;
 - promote improved linkages among the domestic violence initiatives within the health sector and both the criminal justice and community social service sectors. These linkages should be documented in local and regional plans and include mechanisms to support the development of appropriate and sensitive approaches to evidence-taking (including within health facilities); and
 - promote the development and adoption of health sector protocols regarding appropriate provision of and referral to short- and long-term counselling and support services.
- 15) We understand that the Ministry of Health and Long Term Care is currently evaluating the effectiveness of the *Domestic Violence pilots* in seven *Sexual Assault Treatment Centres* (SATC) and encourage the government to expand these specialized units to each of the 27 SATC and other hospitals across Ontario to ensure access to these core services within the 54 court catchment areas.
- 16) We recommend that the Ontario Medical Association, Ontario Hospital Association, College of Physicians and Surgeons of Ontario, Ontario College of Family Physicians, Association of Community Health Centres and the College of Nurses work together to put standards and procedures in place that can provide services to screen for domestic violence. Health care facilities should ensure that, at the initial patient history taking, and in a confidential setting, appropriate screening for domestic violence is undertaken. This screening should be done by a health professional or counsellor trained in domestic violence. This screening should be enforced through the Canadian Council on Health Services Accreditation.

17) We also recommend that the Ontario Hospital Association as part of its new annual report card process or through other reporting mechanisms, develop a survey in concert with domestic violence experts, which measures progress in hospitals in the following areas:

- screening for domestic violence;
- ensuring training opportunities for staff; and
- developing appropriate service protocols.

18) The Ontario Hospital Association, in collaboration with the Ministry of Health and Long Term Care should ensure that all hospitals have the capacity to either directly or in concert with other agencies provide women with access to counsellors or social workers to provide specialized domestic violence counselling on an as needed basis.

19) The Ministry of Health and Long Term Care and the Ontario Medical Association, should examine the existing descriptions of codes in the Schedule of Benefits regarding assessment and counselling to ensure that screening and counselling for domestic violence are embedded in existing code descriptions and are understood by/communicated to physicians.

20) The Ministry of Health and Long Term Care and Ministry of Community and Social Services should establish an inter-ministerial task group to work in collaboration with local community coordinating committees, to examine the availability of, and ensure access to, long-term emotional/psychological counselling resources within the 54 court catchment areas in Ontario.

21) In communities where access to long-term counselling resources is limited or non-existent, the Ministries of Health and Long Term Care and Community and Social Services, in collaboration with the local community coordinating committees should develop and implement a plan to address these needs.

Strategy 2: Ensure that children exposed to domestic violence have access to services.

22) We recommend that Police, VCARS volunteers and other victim crisis service providers be trained to respond to the specific needs of children at the scene of a “domestic occurrence”. As well, Police should develop policy and protocols for dealing with children at the scene of a “domestic occurrence”, including a specification of when notification of the Children’s Aid Society is required or other community/social service agency should be involved.

23) In situations involving homicide, homicide-suicide, any life-threatening and all serious violence where children are present, Police must provide referral information on counselling resources for these children in their community, to the parent/guardian present. VCARS (or other victim crisis service providers) and Police should also assist the woman to link with appropriate community social service agencies, children’s mental health services, and shelters. For example, this assistance might include

transportation to the local shelter where counselling supports may be available for the woman and children.

- 24) We recommend that the government continue the process of introducing the standardized intake and assessments, which include screening for domestic violence, to ensure that they are utilized in all children's mental health centres across Ontario.
- 25) When domestic violence is identified, appropriate supports to the child should be provided by these children's mental health centres including, but not limited to, safety planning.
- 26) We recommend that the Children's Secretariat and the Ministry of Community and Social Services in conjunction with local coordinating committees in each community identify the best way to meet their community's local needs for counselling and support services for children who are exposed to domestic violence. The expansion of these services to each of the 54 court catchment areas in Ontario is required and should be supported.
- 27) In addition, to ensure that the available services are utilized most effectively, the Ministry of Community and Social Services should encourage and support the development of protocols and service coordination among children's service sectors (including child care, children's mental health, Children's Aid Societies (CAS), women's services, shelters, and family services) with other sectors. The Ministry's initiative, which supports the development of protocols between CAS and women's services/shelters is a step in the right direction.
- 28) In keeping with the pivotal role the education sector can play in the domestic violence response, we recommend that *violence against women prevention* (including domestic violence issues) be identified as a priority within the Ministry of Education. To this end, the Ministry should fund a dedicated, coordination function at each school board and designate a teacher at each school to assume lead responsibility in these initiatives. Specific functions of the Coordinator are outlined in our report.
- 29) We recommend that the use of measurement tools within the education sector be expanded to include measurement of the progress a particular school and school board is making on implementing the violence against women prevention coordination function. This progress should be reported annually by the local coordinating committee's response in the Community Report Card. This local report of activities will provide valuable information at the provincial level to determine the extent to which the education sector is making progress in addressing this violence against women prevention agenda.

Strategy 3: Study the effectiveness of and improve access to male batterers programs. Support innovation in responses to male batterers.

- 30) We recommend that the Ministry of the Solicitor General and the Ministry of Correctional Services, in collaboration with local community coordinating committees, create an inventory of existing programs for male batterers, evaluate these programs, and use this information to inform the expansion of programs to the 54 court catchment areas in

Ontario. The review and evaluation of existing programs should include key components outlined in our report.

- 31) We recommend that the number of spaces in the Partner Assault Response programs be increased over the next five years to 15,000 annually. This would provide access to services for the 8,000 men convicted of abusing their partners and an additional 7,000 men who abused their partners and seek assistance independent of the justice system.
- 32) Assessment services for male batterers should be available for judicial use to assist in the assessment and service planning for batterers with multiple problems (e.g. substance abuse, mental health disorders, etc.). These services should be accessible across Ontario.
- 33) To ensure access to the broadest group possible, program materials and intervention strategies should be developed to ensure access to batterers' programs for men with low literacy, language barriers, and specific needs related to cultural issues.
- 34) As the field of intervention with men who are abusive is still very much in its infancy, we recommend that the government and the private sector actively work together to support research in this area and innovation in providing these services.

THE EFFECTIVE JUSTICE SYSTEM RESPONSE

- 35) We recommend that the Joint Committee's definition of domestic violence, outlined in our report, be integrated and utilized by all components of the criminal justice system. This definition should become the basis for identifying and tracking all domestic violence cases as they proceed through the system.

Strategy 4: Implement standardized, specialized Police response to domestic violence across the province.

- 36) As the point of first contact for abused women, Police officers are the "gatekeepers" to the domestic violence response system. For this reason, we recommend that Police officers in each community must be aware of local domestic violence services and agencies, and give relevant telephone numbers and addresses to victims of domestic violence. This requirement of providing referral information should be included in the *Model Police Response to Domestic Violence* and should be highlighted in Police training.
- 37) Police should make an offer of victim crisis services to the victim or request victim service involvement, at each domestic violence occurrence. Where officers do not request victim service involvement, the officer should be required to cite, on the occurrence report, the reason why this service was not requested. This expectation of an offer of service and documentation of why service was not requested should be outlined in the *Model Police Response to Domestic Violence*.
- 38) In the course of the investigation (which would include the completion of the *Risk Indicator Tool*) where the investigation indicates a potential for harm to the victim or her

children, the Police officer has a ‘duty to warn’. This ‘duty to warn’ is to be defined in the *Model Police Response to Domestic Violence*.

- 39) The *Risk Indicator Tool* contained in the *Supplementary Police Report Form for Domestic Violence* should be incorporated in the *Model Police Response to Domestic Violence* and should be implemented by all Police services and the Ontario Provincial Police (OPP).
- 40) Where a more in-depth risk assessment is required (as determined by the preliminary *Risk Indicator Tool*), the Police should consult with the OPP Behavioural Sciences Unit or a similar municipal service with threat assessment expertise. We recommend that the Ministry of the Solicitor General ensure that access to these threat assessment consultation services exist for all municipal forces throughout the province.
- 41) The Ministry of the Solicitor General should assume a leadership role in domestic violence threat assessment in Ontario and implement strategies to develop local and regional expertise. This regionalized expertise in threat assessment will ensure that there are readily accessible resources (including resources for consultation by Police officers) throughout the province.
- 42) We recommend that the Ministry of the Solicitor General, Policing Services Division, monitor, evaluate, and update the *Risk Indicator Tool* on an ongoing basis.
- 43) As part of the annual Provincial Inter-Sectoral Symposium on Domestic Violence (see recommendation #135) sessions on risk assessment should be included to extend the expertise of domestic violence threat assessment to front line Police officers.
- 44) After a Police officer has completed the *Risk Indicator Tool*, and if in the Police officer’s opinion the situation is deemed “high risk”, the officer should enter this information in SIP (Special Interest Police) category on CPIC. Police and court officers should enter all relevant information on domestic violence cases on CPIC “within 24 hours”. For those who can not achieve this immediately, (e.g. no on-site access to CPIC), the guidelines should indicate that they must put in place a plan to achieve this standard within a specified time frame. (e.g. within the next 2 years).
- 45) The *Model Police Response to Domestic Violence* should outline a tiered response to domestic violence. Case response should be based on risk indicator and/or lethality criteria. Cases that meet the highest level of risk would receive enhanced support and follow-up.
- 46) The *Model Police Response to Domestic Violence* should instruct Police to collect evidence which will minimize the reliance on victim testimony. For example, Police should use the following in their investigations: video taping statements of victims, audio cassette tapes of 911 calls, photographs of victim’s injuries at the initial investigation and 48 hours after, and report on breaches of restraining orders.
- 47) In situations where a victim of domestic violence has sustained injuries, Police should have a “duty to transport” her to a hospital for documentation of the injuries (including

photo taking). Appropriately trained medical personnel should be requested by Police to complete full and accurate documentation of all injuries, including concealed injuries.

- 48) The guidelines should contain a stronger, more directive approach to “dual arrests” (i.e. “Police officers are discouraged from making a dual arrest in domestic occurrence situations”). Policy and training should assist Police to identify self-defence injuries and encourage them to arrest the primary aggressor.
- 49) We recommend that there be a duty on the Police officers involved in a case (preferably the Officer in Charge of the case) to ensure that an officer with knowledge of the case attends for victim interviews with the Crown Attorney on domestic violence cases. This is particularly important given the high rate of victim recantation and the goal of vigorous enhanced prosecutions.
- 50) The *Model Police Response to Domestic Violence* should include clear and specific direction to Police on how to proceed on breach of restraining orders.
- 51) Further to our recommendation # 22, Section 4.20 of the “Children At Risk” section of the *Model Police Response to Domestic Violence* should include specific reference to children exposed to domestic violence. Suggested wording for this section appears in our report.
- 52) Clear and specific standards of practice should be specified throughout the *Model Police Response to Domestic Violence* guidelines, rather than the language that is included in the draft (such as “adequate”, “where feasible” or “where available or practical”). Clear and specific standards (communicated directly in the Model Response) are more likely to ensure provincial consistency in Police response to domestic violence.
- 53) In rural, northern, remote and small communities, some of the guidelines contained in the *Model Police Response to Domestic Violence* may not be possible to fully implement. In these communities the guidelines should further define a reasonable and achievable best practice corresponding to the size of the community and the resources available. For example, the guidelines could include wording such as “in a community of this size, the best practice is....”
- 54) The *Model Police Response to Domestic Violence* should instruct Police services to establish a domestic violence follow-up team (consisting of Police and community members) in all communities in consultation with the local community coordinating committee. This follow-up team should respond to the victim of a domestic violence occurrence within a 24-hour period (to provide her with information on services available to her, etc.) and develop written procedures for the team (including criteria for referral of cases to the team and referral by the team to the broader network of domestic violence services and other social service/community agencies).
- 55) To facilitate case coordination and ensure a seamless response to particular situations, the *Model Police Response to Domestic Violence* should describe the role of Police in

coordinating the exchange of information between Police services and other sectors on a “need to know” basis.

- 56) To ensure that victims are notified of all bail release conditions, as soon as possible, the *Model Police Response to Domestic Violence* should instruct Police to work with Victim/Witness Assistance Programme staff and the Crown Attorneys to fulfil this purpose.
- 57) The Ministry of the Solicitor General should engage in a consultation process on these guidelines involving Police stakeholders from rural, northern, and small communities, as well as other key domestic violence stakeholders.
- 58) To ensure that up-to-date information is shared throughout the criminal justice system, we recommend that all policing services within Ontario must have computer systems that are compatible with the Ontario government’s Integrated Justice System.
- 59) Although complaints processes currently exist within Police services, we recommend that these processes be clearly defined and publicized in all Police detachments, Victim Witness Assistance Program offices, Crown Attorney offices and all court locations. When a complaint is received, it should be logged, resolutions recorded and communicated back to the person who filed the original complaint.
- 60) We recommend that the performance review process for Police services should consider including peer and client feedback (and input from colleagues from other sectors).
- 61) The Ontario Association of Chiefs of Police should develop an annual award for best practices/innovations in the Police service for dealing with domestic violence.

Strategy 5: Ensure consistent enforcement of restraining orders and explore strategies to improve their effectiveness.

- 62) Pursuant to the *Family Law Act* and *Children’s Law Reform Act*, a breach of a restraining order is a serious breach to the administration of justice and should be pursued through the Ontario Court of Justice (Criminal Division) and prosecuted by Crown Attorneys.
- 63) The Ministry of the Attorney General should establish a task group to determine:
 - a) necessary changes in policy and practice to create a system’s response where restraining orders are consistently and effectively enforced;
 - b) if new civil legislation is required to better protect women from violence or abuse (as has been done in Saskatchewan, Alberta, and Prince Edward Island); and
 - c) the most effective process for sharing relevant information between family and criminal court.

- 64) We recommend that restraining orders become “stand-alone” orders and be separated from other issues, such as custody and access.
- 65) A standard restraining order should be developed by MAG containing clear wording that describes the conditions of that court order and that is more specific than “annoy, molest, or harass the applicant or children in the applicant’s custody”. For example, an order could include a definition of behaviours that constitute “annoying, molesting, or harassing”. The more specific the order, the easier it should be for Police to identify when a breach of that order has occurred.
- 66) Police should promptly respond to allegations of breaches of restraining orders.
- 67) Police should be trained to recognize a breach of a restraining order and given clearer direction on their ability to charge and on where to send the charge when a restraining order is breached. Police training should include a “critical path” related to enforcement of restraining orders and preparation of information for court (Crown Brief).
- 68) This “critical path” should also be provided to women’s advocacy groups and shelters, who in turn could provide this information to women including the consequences of when restraining orders are breached.
- 69) Police often do not receive notice that a restraining order has been served. To ensure notification of service of a restraining order, all restraining orders should be placed on CPIC. The Integrated Justice Project should ultimately be the mechanism for this information sharing.
- 70) We recommend that breaches of restraining orders must be prosecuted by the Crown Attorneys in Criminal Court to re-enforce to the public the necessity of complying with these orders. The seriousness of the breach and the risk enhancing nature of the behaviour, which constitutes the breach, must be vigorously prosecuted to result in court sanctions that reflect the seriousness of the breach.
- 71) Information on how to prosecute breaches of restraining orders should be included in training for Crowns.

Strategy 6: Reinforce Crown Attorney leadership by implementing consistent standards and ensuring accountability.

- 72) We recommend that there be a sufficient number of bail courts and Crown Attorneys for each of the 54 court catchment areas to ensure that the necessary resources are available to promote a thorough review and presentation of the case, based on the volume of cases per court.
- 73) Crown Attorneys should have adequate time to interview victims and witnesses, and to prepare for proceedings. We recommend that Crowns be supported to ensure that they receive at least one day each week for this purpose.

74) We recommend that there be a dedicated Police officer for every bail court to ensure completeness of bail briefs (i.e. outstanding charges, warrants, facts behind prior convictions, etc.), to communicate with victims to ensure that she is informed of the date/time/location of the bail hearing and the outcome of that hearing.

75) The *Risk Indicator Tool*, included in the *Supplementary Police Report Form For Domestic Violence* should become part of the Crown bail brief. We recommend that the Crown Attorney routinely, at all bail hearings related to domestic violence, tender information on risk to the court. We further recommend that the Crown ensure that the *Risk Indicator Tool* is used throughout the proceedings (from the bail hearing through to the sentencing hearing). At the end of the proceeding, the Crown should forward the completed tool to the relevant correctional authority, where appropriate.

76) Further to recommendation #56, the Crown Attorneys' Office, in collaboration with Police and Victim/Witness Assistance Programme staff, should ensure that victims are notified of all bail release conditions, as soon as possible.

77) While we understand that it is very rare to call expert evidence on a bail hearing due to the difficulty in arranging for an expert to be available to participate on short notice (generally a maximum of 3 days), we recommend that Crowns should be encouraged to develop criteria for when and how to use domestic violence "experts" in all proceedings, (bails, trials, and sentencing) with the intent of using experts more often, to more effectively prosecute domestic violence cases. This information should be provided in the *Crown Policy Manual* (CPM).

78) Further to recommendation #35, we recommend that our definition of "domestic violence" be included in the CPM.

79) We recommend that the CPM provide instruction to Crown Attorneys to identify every domestic violence case to the court to enable the expeditious disposition of these cases.

80) The CPM should set out specific criteria for the standardized Crown bail brief, including information on the history of violence in the victim's relationship with the accused and the information from the *Risk Indicator Tool*. There should be greater consistency in the information and evidence gathered by Police in all cases of domestic violence.

81) Crowns should obtain the input of and advise victims prior to staying, withdrawing or resolution of charges. We recommend that the CPM include this direction and that the Judiciary be notified of this Crown policy.

82) The CPM should include a clear description of protocol between Crown Attorneys and Victim/Witness Assistance Programmes (V/WAP), which will legitimize the role of V/WAP and acknowledge their critical role in the justice system.

83) We recommend that the revised CPM should have a clear implementation strategy for rollout and a regular review/update process.

- 84) We recognize that a complaint process related to Crown practice exists. From our consultations it is clear that there is confusion about the role of the Crown. We recommend that the role of the Crown Attorney including the process for members of the public to initiate complaints about Crowns be clearly defined and publicized in all Crown and Victim/Witness Assistance Programme offices and court locations. The Crowns should develop a standardized complaints process that includes communicating back to the person who filed the complaint.
- 85) We recommend that the performance review process for Crown Attorneys be enhanced to include peer feedback, and input from justice partners.

Strategy 7: Introduce specialized court responses for prosecuting all domestic violence cases in the province.

- 86) We recommend that each of the 54 court catchment areas in Ontario have a specialized court or a specialized court process related to domestic violence. The core components of this specialized response are outlined in our report.
- 87) We recommend that supervised access programs be available in each of the 54 court catchment areas in Ontario to protect women and their children in family law proceedings where domestic violence is present. These government-funded services provide neutral locations for drop off and pick up of children during access visits, and supervision for visits between the offender and his children.
- 88) We recommend that there be increasing consequences for offenders who commit further offenses, and that there be consistent enforcement of court orders. *Failure to comply* with court order charges related to domestic violence cases should come to the specialized domestic violence courts and be dealt with expeditiously.
- 89) Effective state intervention is required to ensure victim safety and hold perpetrators accountable for their behaviour. This intervention should include a timely response from the justice system. All courts should have a process in place to ensure that domestic violence cases are identified and receive early court dates for disposition. We recommend that judicial officers (i.e. judges and justices of the peace) “fast track” or expedite all domestic violence matters.
- 90) To this end, we recommend that Crown Attorneys identify to the court every domestic violence case to enable the expeditious disposition of these cases and data collection.
- 91) We recommend that the Crown bail brief include information from the victim’s perspective on what she needs to be safe.
- 92) To ensure that conditions of bail orders are recorded accurately, we recommend that as a best practice, judges and justices of the peace request that court clerks read back the conditions of their orders, particularly with respect to bail orders. We also recommend that judges and justices of the peace review and sign all bail, probation and conditional

sentence orders to ensure their accuracy. All courts in the Province should use standardized court documents to ensure consistency in the language of court orders.

- 93) To capture the differences in the method of delivery of the essential court services in different sized communities, we are recommending that a framework for specialized court responses in communities of different size be implemented across Ontario. This framework includes court-related services in large urban centres; medium-sized centres; and northern, remote and/or rural communities (defined in our report).
- 94) We recommend that the Victim/Witness Assistance Programme be expanded to each of the 54 court catchment areas in Ontario.
- 95) To ensure a seamless response, it is critical that both victim crisis services and V/WAP are well coordinated. In many places these service providers work well and closely together. In those places where this coordination is not happening, we recommend that coordination between the two programs be made a priority. To assist in this process, we further recommend that the V/WAP Manager and the VCARS Manager work together to develop a list of best practices related to service coordination to share among program staff.

Strategy 8: Amend legislation to recognize the effects of domestic violence on children.

- 96) We acknowledge that legislative reform which addresses domestic violence in the family law context has taken place in many other jurisdictions. We recommend that the Government of Ontario consult with these jurisdictions for the purpose of incorporating “best practices” into Ontario family law legislation.

We recognize that we did not have the time to conduct the extensive review and analysis required in this important area of change. Therefore, we recommend that the Ministry of the Attorney General form a committee to critically examine and refine the following proposed areas for family law legislative reform.

- 97) We have recommended a definition of domestic violence in the criminal law context (see recommendation #35).

In addition, we believe that Ontario family law legislation should provide guidance as to the types of abuse, which constitute an act or acts of domestic violence. We understand that psychological abuse is not a crime under the Criminal Code of Canada. However, we also understand that, in family court proceedings, psychological abuse is relevant. As such, this Committee recommends the inclusion of psychological abuse in the definition of domestic violence in the family law context.

We recommend that the *Children’s Law Reform Act* be amended to include a definition of domestic violence. Suggested wording for this definition appears in our report.

- 98) We recommend that section 24 of the *Children's Law Reform Act* be amended to define "exposure" to domestic violence. Children are exposed to domestic violence when the perpetrator of the act or acts of domestic violence, causes or allows the child to see or hear the physical, sexual or psychological abuse of a person with whom the child has a domestic relationship or allows the child to be at real risk of seeing or hearing that abuse is occurring, and its aftermath including the physical and psychological impact on the child's parent.
- 99) We believe that violence against children and the effects of witnessing and being exposed to domestic violence on children should be considered in the determination of "the best interests of the child" pursuant to section 24 of the *Children's Law Reform Act*.

We recommend that the *Children's Law Reform Act* be amended to incorporate "the physical safety and psychological well-being of the child who is the victim or has been exposed to the impact of domestic violence" as a consideration in the "best interests" test.

- 100) We assert that the commission of an act or acts of domestic violence is relevant to a person's ability to act as a parent. Courts should consider a perpetrator's history of causing physical harm, sexual harm, psychological harm or causing reasonable fear of physical harm, sexual harm, psychological harm to another person.

We recommend that the *Children's Law Reform Act* be amended to make clear that the commission of an act or acts of domestic violence are relevant to a person's ability to parent.

- 101) We recommend that the *Children's Law Reform Act* be amended to include a rebuttable presumption that it is detrimental to a child and not in the best interests of a child to be placed in the custody (joint or sole) of a perpetrator of domestic violence.
- 102) We recognize that access should not be granted to a perpetrator of domestic violence unless the safety of the child, the victim of domestic violence and other family or household members is adequately provided for.

We recommend that the *Children's Law Reform Act* be amended to provide that, where access is awarded to a person who has committed an act or acts of domestic violence, adequate provisions for the safety of the child, the victim of domestic violence, or other family or household members must be included in the order. Conditions of access that may be ordered are outlined in our report.

- 103) We recommend that the *Children's Law Reform Act* be amended to make clear that an act or acts of domestic violence, subsequent to a custody/access order, constitutes a material change in circumstances that affects the best interests of the child.
- 104) We recognize that too often circumstances exist wherein custody/access orders are at odds with civil restraining orders as well as criminal court convictions, dispositions, and orders that address domestic violence.

We recommend that the *Children's Law Reform Act* be amended to create a definition of "domestic violence orders". This definition should include civil orders pursuant to section 35 of the *Children Law Reform Act* and section 46 of the *Family Law Act* as well as criminal court convictions, dispositions and orders, including an order pursuant to section 810 of the *Criminal Code*.

105) We recommend that the *Children's Law Reform Act* be amended to obligate parties to a custody/access proceeding, who are aware that a domestic violence order applies to the child, or a member of the child's family, to inform the court of the domestic violence order.

We recommend that the *Children's Law Reform Act* be amended to permit persons who are not parties to a custody/access proceeding, and are aware that a domestic violence order applies to the child, or a member of the child's family, to inform the court of the domestic violence order.

106) We recommend that the *Children's Law Reform Act* be amended to provide that, where it is alleged that a party to the proceedings has perpetrated domestic violence against the child or a child of the family or against the other party to the proceedings, the standard proof required by the Court to determine if the allegation is proved be on the *balance of probabilities* (not beyond a reasonable doubt). Further, in the interests of the children and all parties concerned, this determination must occur as soon as practicable.

107) We acknowledge that upon a custody/access application, the court, at the request of the parties, may appoint a mediator to resolve specified issues. We recommend that the *Children's Law Reform Act* be amended to include provisions that:

- require mediators to screen for domestic violence;
- give direction as to whether mediation should proceed when domestic violence is alleged; and
- outline the conditions under which mediation may proceed.

These amendments should be developed in consultation with the Ontario Association of Family Mediators who are in the process of developing guidelines in collaboration with women's advocates, on mediation in situations of domestic violence.

108) We recognize that both Federal and Provincial governments share jurisdiction over family law matters. We recommend that in the interest of Ontario families there should be a co-ordinated approach to family law issues.

We recognize that the *Report of the Special Joint Committee on Child Custody and Access* is under review and recommend that consultation must take place between Ontario and the Federal government to ensure consistency in all family court proceedings pursuant to the *Divorce Act* and the *Children's Law Reform Act*.

109) We recommend that the Government of Ontario, in its 5 year review of *Child and Family Service Act*, proceed to enact the outstanding recommendation of the Panel that exposure to family violence be included as a separate ground for a protection finding.

ACHIEVING SEAMLESSNESS

Strategy 9: Implement standardized risk assessment and safety planning tools across the system, throughout Ontario.

110) As outlined in previous recommendations, a standardized *Risk Indicator Tool* should be implemented by Police services across Ontario, and used by all Police officers responding to domestic violence occurrences. This tool will assist Police to: determine if a more in-depth risk assessment should be conducted; prompt a warning to the victim of the potential for future violence; assist the victim with safety planning; and present relevant evidence required for bail determinations and other proceedings.

We further recommend that the questions contained on the *Risk Indicator Tool* and the steps of a thorough Police investigation on domestic violence, be contained on a 'wallet-sized' laminated card that officers can carry with them at all times. This card will provide Police with a reminder of the components of an effective investigation in domestic violence occurrences and a prompt for using the *Risk Indicator Tool*.

111) We also recommend in those situations where the results of the *Risk Indicator Tool* suggest that a more in-depth threat assessment be conducted, that the Police utilize a standardized *risk assessment form* for this purpose. As outlined in recommendation #40, Police should have access to threat assessment consultation to assist with the completion of this more in-depth risk assessment.

112) We recommend that in addition to Police, this more in-depth, standardized risk assessment form should also be utilized across the various domestic violence response sectors. This would include use of the form by professionals who have contact with the victim and/or offender, are in a position to evaluate the degree of risk, and who have been adequately trained in how to use this form, including Victim/Witness Assistance Programme staff, probation and parole officers, women's advocates and shelter service providers and mental health practitioners.

113) We recommend that this more in-depth, standardized risk assessment form be incorporated in the standardized Crown bail brief to provide Crown Attorneys with more specific and specialized information on the degree of threat to the victim. This more in-depth information is to be used by Crown Attorneys to make recommendations to the court related to bail, and ultimately sentencing.

114) To ensure that a more seamless response occurs, we recommend that the *Risk Indicator Tool* and the more in-depth risk assessment form become a standardized component of a

probation officer's court ordered pre-sentence report, which will highlight sentencing considerations for the court.

115) In previous recommendations, we have outlined ways to tender risk assessment information before the court to assist judicial officers with decisions regarding bail and sentencing. We further recommend that once the standardized *Risk Indicator Tool* and the more in-depth risk assessment form are implemented across Ontario, that the criminal justice system incorporate and implement a *Victim's Statement of Risk* form. The purpose of this form is to ensure that information on risk assessment has increased evidentiary value in domestic violence proceedings.

To this end, we recommend that Police obtain the victim's statement and complete the victim's statement of risk form. This form could then be filed with the court by the Crown Attorney.

116) At the time that convicted offenders are first incarcerated, we recommend that the more in-depth, standardized risk assessment form also be used by corrections staff to develop case supervision and rehabilitation plans, and to determine suitability or set conditions for conjugal visits, family visits, and temporary absences.

117) We recommend that the more in-depth risk assessment form be utilized by correctional staff to develop case supervision plans for the offender's release. As part of this process for pre-release planning and to ensure that the victim's safety remain paramount, we suggest that correctional staff consult with the victim prior to finalizing these plans.

118) We recommend that the *Risk Indicator Tool* (contained on the *Supplementary Police Report Form For Domestic Violence*), the in-depth risk assessment form, and the *Victim's Statement of Risk* form be incorporated into the *Integrated Justice Project* system.

119) The value of effective risk assessment also carries over into proceedings in the civil justice system. The use of risk assessment information can be critical in separation/divorce hearings and decisions related to custody and access. This is particularly important in light of the fact that many separations are precipitated by domestic violence and that estrangement increases the risk for repeated and even escalated violence. To this end, we recommend that family law lawyers explore the feasibility of integrating the more in-depth risk assessment form and the victim's statement of risk in family law matters where domestic violence has been identified.

120) We recommend that the Ministries of the Attorney General, the Solicitor General and Correctional Services, in collaboration with the Behavioural Sciences Unit of the Ontario Provincial Police, annually convene a threat assessment task group to provide ongoing evaluation, monitoring and updating of the *Risk Indicator Tool* (contained on the *Supplementary Police Report Form For Domestic Violence*), the in-depth risk assessment form, and the *Victim's Statement of Risk* form. Updates and refinements of

these tools should be implemented across systems, throughout Ontario, by the mechanisms and processes outlined above.

- 121) We believe that every victim of domestic violence requires a safety plan to protect her and her children. We recommend that a standardized safety planning tool be used by all sectors of the response system, throughout Ontario. To this end, we propose that the *Personal Safety Plan* be utilized for this purpose. See Appendix C for this *Personal Safety Plan*. A sample *Safety Plan for Children* is included as Appendix D.
- 122) Safety Planning with women and children should become a core service expectation for Police, Victim/Witness Assistance Programme staff, victim crisis service providers, shelter staff, health practitioners, and all other service providers who work with abused women and their children. Staff of the various sectors should be appropriately trained and adequately supported to fulfil this function.
- 123) It is imperative that Police use resources available in the community to assist a woman to develop a safety plan (e.g. victim crisis service providers, V/WAP, shelter staff, etc.)
- 124) Personal safety planning documents should be available in all court locations in Ontario.
- 125) Further to our recommendations related to the implementation of standardized risk assessment and safety planning across sectors throughout Ontario, we recommend that when domestic violence is identified, all regulated health and mental health professionals (including psychiatrists, psychologists and social workers) be appropriately trained and adequately supported to assess the risk of the woman's situation, through the use of the more-in-depth risk assessment form. Where serious risk is identified, we recommend that the health care practitioner be obligated to report to Police, and in appropriate circumstances to warn the intended victim of the risk she faces.
- 126) We recommend that a special bulletin be issued by the College of Physicians and Surgeons of Ontario to the profession, highlighting domestic violence and identifying the role of health professionals in risk assessment, forming opinions about danger under the new standard, and their "duty to report and to warn".

Strategy 10: Establish domestic violence coordinating committees in every court jurisdiction.

- 127) We recommend that at minimum, each of the 54 court jurisdiction or court catchment areas establish and fully implement a community coordinating committee to respond to domestic violence. We recognize that in some court jurisdictions more than one coordinating committee exists and that these community coordinating committees work collaboratively to address the needs within their larger court jurisdiction. For example, in Toronto, the Woman Abuse Council supports and facilitates the work of 5 local community coordinating committees. In the York region, the Newmarket court jurisdiction includes two separate community coordinating committees.

128) In the “communities” or court jurisdictions where no community coordinating committee exists, we recommend that the Crown Attorney, local shelter, and/or other women’s community agency, jointly assume responsibility to convene the first meeting of relevant stakeholders.

129) Each of the community coordinating committees within the 54 court jurisdictions should include the following members:

- Police
- Victim crisis services/emergency response
- Crown Attorney
- Victim/Witness Assistance Programme
- Probation and Parole
- Community-based support/advocacy agencies
- Community-based counselling agencies
- Shelters
- Male batterers’ programs (Partner Assault Response programs)
- Children’s Aid Society
- Health professionals (including hospitals/clinics)

As well, we recommend that the following additional professionals be invited to attend specific meetings of the coordinating committee on an “as required” basis:

- Judges
- Duty counsel
- Defense counsel
- Cultural interpreters
- Regional coroners

130) To ensure full participation, we recommend that the capacity of shelters and woman abuse agencies be supported to participate in the community coordinating committee. We recognize that funding may be required in some jurisdictions to support this development process and to establish protocols.

131) As a legally trained person, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice. Consistent with the requirements of the Code of Ethics which governs judicial activity, judges should be encouraged, when appropriate, to participate on community coordinating committees. Their participation will ensure that systems and services are in place to provide the court with the information and resources required to make effective decisions for both victims and perpetrators.

132) The Ontario Women’s Directorate *Performance Management Framework* provides an accountability mechanism which, when fully implemented will enable service providers and the government to monitor the extent to which client and service system outcomes are being achieved, through the use of government funds. We recommend that at the

point that the *Performance Management Framework* questionnaire is being reviewed (one year after implementation), that questions specifically related to service outcomes for children who are exposed to domestic violence be added. We further recommend that the government support the continued maintenance and expansion of the framework system to incorporate all relevant ministries and their violence against women prevention initiatives, for full implementation across government and the domestic violence response system.

133) We recommend that the Community Report Card be pilot tested in four locations in the province, each with unique needs and at various stages of coordination (Grey County, Kenora, London, and Toronto). This pilot-test will provide the opportunity for the government and community to field-test and revise (as necessary) the report card.

Once this pilot is completed and the report card refined, we recommend that the Community Report Card be implemented in each of the 54 court catchment areas in the province. The process of completing the report card includes each member agency/sector assessing its own progress as well as the whole community coordinating committee identifying the community's movement toward an effective and coordinated response to domestic violence.

Strategy 11: Introduce mechanisms for provincial coordination of domestic violence responses.

134) The process of completing the Provincial Report Card would involve a provincial advisory committee consisting of government and community representatives, from the key domestic violence response sectors. To this end, we recommend that the government convene a joint committee of community and government partners to consolidate the information from the Community Report Cards and to review progress toward a seamless response to domestic violence (including an evaluation of the continued implementation of May/iles recommendations and the Joint Committee on Domestic Violence strategies)

135) We recommend that the Ministry of the Attorney General and the Ontario Women's Directorate, in collaboration with the provincial joint committee of community and government partners (identified in recommendation 134) convene a provincial, inter-sectoral symposium on domestic violence, on an bi-annual basis in a central location. On the years when the provincial symposium is not held, we recommend that regional symposia in each of the province's regions be held. Each of the 54 court catchment area's coordinating committees would be invited to send representatives to these symposia. Components of the symposium are outlined in our report.

Strategy 12: Provide more effective education and training on domestic violence for every sector of the response system.

136) We recommend that the principles of effective adult education (outlined in our report) and the results of the OWD's *effective training project* should become the basis for all future

training funded by and/or delivered by the provincial government. In order to be eligible to receive funding for a particular training initiative, each proposal must incorporate these adult education components.

- 137) Training on domestic violence is fundamental for every sector and every level of the response system. As a starting place, we recommend that all sectors of the current response system should be trained on the use of the *Risk Indicator Tool*, more in-depth risk assessment form, and the personal safety planning tool.
- 138) In recognition of the secondary traumatization and/or vicarious traumatization of those involved in the field of domestic violence, Courts, Police, shelter workers, and all others who work with survivors and perpetrators of domestic violence need opportunities to “debrief” their reactions to their work. Each sector should receive continuing professional education on vicarious traumatization and training which highlights strategies to mitigate the impact of this work in domestic violence response.
- 139) We recommend that the Ministry of the Attorney General identify a community partner to undertake the development of an Ontario-based community education and professional training video and facilitator’s guide on domestic violence, for multi-sector use. A key component of the video will be the “lessons learned” from the May/Iles tragedy and the key strategies of a seamless response (outlined in this report). The video should inspire the implementation of the local community coordinating committees, the community report card and fulfillment of other components of an integrated/coordinated response to domestic violence. Best practices should be highlighted.
- 140) We recommend that the Council of Colleges and Universities consider the development of a similar approach to professional education and training (to that of the Minnesota Higher Education Center Against Violence and Abuse in Minnesota). The Council should consider the development of this approach in collaboration with the professional governance bodies. The outcome of this collaboration would be the development of core professional education curricula on domestic violence for all professional sectors. These curricula should be accessible through the World Wide Web.
- 141) We recommend that family law lawyers, social service providers, and the Ontario College of Certified Social Workers, the Ontario Psychological Association, and the Ontario Psychiatric Association – Child/Adolescent division should be targeted as a starting place to receive training on domestic violence with a focus on emotional abuse and the impact of exposure to domestic violence on children, specifically in the context of custody and access cases.
- 142) We recommend that the mandatory bar admissions materials include a focus on domestic violence, that this material be examinable, and made an integral part of the bar admissions courses on professional ethics, criminal law, family law, and civil procedure. To facilitate the preparation of this material, we recommend that the Law Society of Upper Canada work in conjunction with women’s advocates and community violence against women prevention groups.

- 143) The Canadian Association of Law Deans and the Canadian Association of Law Teachers should work toward ensuring the adequacy of education for law students on domestic violence. We recommend that such education become part of the core curriculum in specific courses identified in our report.
- 144) We recommend that the adequacy of legal education relating to domestic violence be a standing item on the Canadian Association of Law Deans' and the Canadian Association of Law Teachers' annual meeting agendas.
- 145) The *Advanced Knowledge Skills Training* curriculum currently being developed for all recruits at Police college should include a module focused on domestic violence. The module should be at least 3 days of the 60-day course. The hours dedicated to domestic violence issues can be further enhanced in other sections of the course (e.g. risk assessment, evidence, and children).
- 146) We recommend that domestic violence become a mandatory component of the *Advanced Patrol Training* curriculum, which each officer should attend every 2 to 5 years.
- 147) We recommend that the *Violence Against Women in Relationships* course at the Ontario Police College be maintained.
- 148) We recommend that domestic violence should be included in the curriculum of the law enforcement foundation course at community colleges.
- 149) Police training should include the criteria for Crown bail briefs (which include asking the victim about the history of violence in the relationship with the accused) and specific interviewing techniques, which will facilitate the disclosure of this information by the victim.
- 150) Training at the Police College should include presentations on the roles of Victims Crisis Assistance and Referral Services (VCARS) and the Victim/Witness Assistance Programme (V/WAP).
- 151) We recommend that training for Crown Attorneys should include a focus on domestic violence. Specific content recommendations are outlined in our report.
- 152) We recommend that ongoing programming on domestic violence and other social context issues be developed for judicial officers. Judicial officers should be encouraged to act as facilitators for ongoing workshop development and delivery in consultation with domestic violence experts and service providers of services for women, children and men. The topics to be addressed in these courses are outlined in our report.
- 153) We recommend that judicial officers be kept informed about changing attitudes and values, and take advantage of suitable educational opportunities that will assist them both to be, and appear to be, impartial.

- 154) We recommend that continuing education programs should assist judicial officers in appreciating why victims of domestic violence may present differently than victims of other crimes. The reasons for delayed and incremental disclosure and recantation should be examined. Judicial officers should be alert to the various ways that the system can alienate and re-victimize women and children.
- 155) Educational programs should also address the inappropriateness of anger management programs, mediation and family counselling where there are allegations of domestic violence. We recommend that continuing education for judicial officers include the recognition that where appropriate, offenders should be ordered to attend programs specifically designed to change the offender's behaviour and break the cycle of violence. The use of compliance review hearings is recommended to ensure that court ordered treatment programs are being followed prior to the final sentence being imposed.
- 156) We recommend that the Judicial Appointment Advisory Committees (both provincial and federal) develop a method to examine applicants for judicial office on their knowledge of and sensitivity to domestic violence issues in the justice system.
- 157) We further recommend that all newly appointed judicial officers receive an orientation program on the dynamics of domestic violence and decision-making skills required when allegations arise in criminal and family law proceedings. To this end, we recommend that the Canadian Association of Provincial Court Judges develop a specific program on domestic violence as part of the orientation program currently provided to all new appointments. We recommend that the National Judicial Institute offer annual programs on domestic violence to both federally and provincially appointed judges.
- 158) We recommend that the *Bail Manual and Training Guide* should include a standardized court order form and clarification of the process for recording court orders accurately.
- 159) The College of Family Physicians of Canada and the Royal College of Physicians and Surgeons of Canada are encouraged to closely study existing certification requirements and continuing education requirements to ensure that sensitivity to domestic violence and domestic violence screening are viewed as core skill requirements. The assessment and promotion of these skills should be reflected in all appropriate certification and continuing medical education requirements. The College of Physicians and Surgeons of Ontario is also encouraged on their standards and quality assurance program to promote these skills.
- 160) We recommend that as part of the requirement of the five year re-certification process for the College of Family Physicians of Canada (CFPC), the CFPC and university-based Continuing Medical Education offices are encouraged to take pro-active measures to promote the development and uptake of MAINPRO-MI and MAINPRO-C credited educational activities which promote best practices in assessment and care in the area of domestic violence.

- 161) We recommend that training for hospital staff on domestic violence issues should be identified as a priority and should be supported by a reasonable commitment of time and corresponding paid relief time for staff who attend.
- 162) We recommend that the provincial government fund the implementation of the *Train the Trainer Kit/Manual for Health Care Professionals* (being developed by Education Wife Assault) across Ontario.
- 163) We recommend that substantive, standardized, mandatory training on domestic violence should be included as part of the core curriculum for all medical students in Ontario.

Strategy 13: Recognize that public education is an essential part of Ontario's approach to address domestic violence.

- 164) We recommend that public education on domestic violence be ongoing and year-round and include the content specified in our report.
- 165) Public education campaigns on domestic violence should include messages specifically directed to male audiences.
- 166) We recommend that the Ontario Women's Directorate, whose mandate includes public education on violence against women prevention, take a 'social marketing' approach to public education to determine what people already know about domestic violence and what public education should focus on.
- 167) We recommend that Public education be paired with access to services through the advertisement of a 1-800 number (which will provide information on available domestic violence services, etc).
- 168) To assist with increasing the effectiveness of restraining orders, we recommend that public education campaigns include information on the consequences of breaching a restraining order.
- 169) We recommend that the private sector work in concert with the provincial government to sponsor violence against women and children prevention activities and public education campaigns.

Strategy 14: Implement accountability mechanisms across all sectors.

- 170) We support the direction of the Safety First Audit initiative. Upon receiving the results of the evaluation of the pilot, the government should determine whether the model should be implemented further. If the evaluation is favourable, we recommend that the audit be replicated in each of the 54 communities across Ontario, with priority given to the northern regions of the province.
- 171) We recognize that the federal government supports five unique *Centres of Excellence on Research on Violence Against Women and Children* (Fredericton, Montreal, London,

Winnipeg and Vancouver) and recommend that an alliance of these centres explore the feasibility of developing a cost-effective audit tool to measure the progress of each province and the country in addressing violence against women. To this end, we recommend that funding for this undertaking be provided by the private sector.

172) In order to ensure that local systemic issues are identified and addressed in all domestic violence related homicides, and to increase public awareness of the extent of this lethal violence across the province, we recommend that the Chief Coroner create a committee, the purpose of which shall be to assist the Office of the Chief Coroner in the investigation of any suspicious death of persons occurring within an intimate relationship context. Each case should be examined by reviewing records and other relevant information and with access to specialized expertise.

It is recommended that upon completion of a case review by the *Domestic Violence Death Review Committee* that the Regional Coroner should report the findings of the investigation to the local community coordinating committee where and when local systemic issues need to be addressed.

173) We further recommend that an annual summary report from the *Domestic Violence Death Review Committee* be delivered at the bi-annual Provincial Inter-Sectoral Symposium on Domestic Violence.

FUNDING AND PLANNING PRIORITIES

Strategy 15: Implement new and innovative funding strategies to support domestic violence initiatives.

- a) Making the best use of existing resources
- b) Collaborating with the private sector
- c) Allocating new funds for core services in each jurisdiction
- d) Utilizing the Victim Justice Fund
- e) Completing a feasibility study on a new tax on violent entertainment

Strategy 16: Develop a realistic and attainable plan to fully implement domestic violence initiatives over the next five years.

Organizations to Whom the Joint Committee's Recommendations Are Addressed

- Association of Community Health Centres
- Band Councils in Northern Ontario
- Canadian Association of Law Deans
- Canadian Association of Law Teachers
- Canadian Bar Association – Family Law Lawyers
- Canadian Council on Health Services Accreditation
- Centres for Excellence on Research on Violence Against Women and Children (Fredericton, Montreal, London, Winnipeg and Vancouver)
- Chief Coroner of Ontario
- Children's Mental Health Centres
- Children's Secretariat
- College of Family Physicians of Canada
- College of Nurses of Ontario
- College of Physicians and Surgeons of Ontario
- Community Coordinating Committees
- Community Networks in Northern Ontario (e.g. Ontario Native Women's Association)
- Council of Colleges and Universities
- District Health Councils
- Federal Government
- Judicial Appointment Advisory Committees
- Judicial Officers
- Law Society of Upper Canada
- Legal Aid Ontario
- Ministry of the Attorney General
- Ministry of Community and Social Services
- Ministry of Consumer and Commercial Relations
- Ministry of Correctional Services
- Ministry of Education
- Ministry of Finance
- Ministry of Health and Long Term Care
- Ministry of Municipal Affairs and Housing
- Ministry of the Solicitor General
- Ministry of Training, Colleges and Universities
- Municipal Governments of Ontario
- Municipal Police Services
- National Judicial Institute
- Ontario Association of Chiefs of Police
- Ontario Association of Family Law Mediators
- Ontario College of Certified Social Workers
- Ontario Hospital Association

- Ontario Medical Association
- Ontario Police College
- Ontario Provincial Police
- Ontario Psychiatric Association-Child/Adolescent Division
- Ontario Psychological Association
- Ontario Women's Directorate
- Private Sector
- Professional Colleges of Medicine
- Royal College of Physicians and Surgeons of Canada
- Provincial Government of Ontario
- School Boards
- Shelters
- Women's Agencies

INTRODUCTION

“He said, ‘I’m going to kill myself and you too. Both of us will end up in heaven or hell. I can’t live without you so I’m taking the both of us out.’ I said, ‘What, you will have my kids live without a mother?’ He said, ‘Yeah.’ He said, ‘You had better call the Police but they won’t help you, they can’t baby-sit you 24 hours a day.’ He said, ‘You won’t even know what hit you. You won’t know I’m there. You will hear a bang or a pop noise as you feel the bullet and then I will kill myself.” – Arlene May, in a statement to Police, two weeks before Randy Iles murdered her.

Randy Iles carried through on his threats. For months he stalked, threatened, and assaulted Arlene May, who was his girlfriend. And although Iles was charged with multiple offenses on four occasions, as the situation escalated his bail dropped – from \$2,000, to \$500, to \$200 for the last two court-ordered releases. Each time he received bail, Iles was ordered by the courts to stay away from Arlene May. None of these measures adequately protected Arlene May, who was 39 years old on the day she was murdered.

On March 8, 1996, Arlene May was confronted by Randy Iles, in her Craigeath, Ontario home. Three of her children were present and were forcibly confined in a closet by Iles. After approximately 90 minutes he released them and instructed that they go to a nearby store to call the Police. Iles then murdered Arlene May and killed himself.

An Overview of Domestic Violence in Ontario

Arlene May's death was not an isolated tragedy. Every year in Ontario, thousands of women's and children's lives are devastated by domestic violence.

Statistics on Domestic Violence

A national telephone survey of 12,300 Canadian women aged 18 and older found that 29 per cent of ever-married women (including those in common-law relationships) had been subjected to physical or sexual violence at the hands of a marital partner at some point in the relationship.¹

- One in three of these women declared that they had feared for their lives.
- Many of these women reported multiple acts of violence including being pushed, grabbed, shoved, slapped or having had something thrown at them. A smaller percentage reported more serious acts such as being sexually assaulted, choked, hit with an object or having a gun or knife used against them.
- Only one-quarter of the women interviewed in the above survey reported an incident of violence to Police.
- About 40 per cent of violent marriages involved children who had been exposed to physical or sexual violence in their homes. This is equivalent to at least 380,000 children in Ontario.

Studies that have involved direct interviews with children suggest that parents vastly underestimate the degree to which their children are exposed to domestic violence in the home. For example, a London, Ontario study involved interviews with children in five shelters in southwest Ontario. The study revealed that among children living in households marked by

spousal assault, more than 80 per cent had been exposed to domestic violence.² 18,537 occurrences of spousal assault were reported to Police in Ontario in 1997. Eighty-five per cent of the incidents involved female victims. On any given day, approximately 1,000 women are admitted to Ontario shelters for reasons of abuse.³ In 1996, Canadian women who were separated from their partners were 26 times more likely than their married counterparts to be killed by their spouse.⁴

According to records kept by Police services and by the Office of the Chief Coroner for Ontario, 1,206 women aged 15 and older were killed in Ontario between 1974 and 1994. It is estimated that about 75 per cent of these women were murdered by current or former spouses, common-law partners or boyfriends. However, there were 705 cases in which the offender was officially identified as the current or former intimate partner of the victim. The 705 cases of intimate femicide resulted in the deaths of 977 persons. Most of these additional deaths were suicides by the offenders: 31 per cent of the offenders killed themselves after killing their female partners. Offenders killed an additional 74 persons, most of who were children of the victims. In addition, more than 100 children witnessed their mothers' deaths. While these children may have escaped physical harm, they obviously suffered inestimable psychological harm.⁵

The Economic Costs of Domestic Violence

Quite apart from the physical and emotional trauma associated with domestic violence, it is well established that this violence results in significant economic costs. The 1995 report, "Selected Estimates of the Costs of Violence Against Women" notes:

"While putting a dollar value on violence against women represents only one dimension of a very complex social problem, such analysis can be a useful tool

for understanding the economic results and the responses to violence against women ... Studies show that violence against women in society carries with it astounding economic costs to its survivors, the state and those who are indirectly affected by this social problem. Such research demonstrates that the problem of violence against women has an economic impact on virtually all sectors of society."

The partial estimates of the annual costs of violence against women in four policy areas are listed as follows:

- Social Services / education: \$2.369 billion
- Criminal justice: \$872 million
- Labour / employment: \$577 million
- Health / medical: \$408 million

These selected costs amount to a total of \$4.226 billion per year in Canada. For further information about economic costs associated with violence against women, please see the full report, as listed in the endnotes.⁶

The May/Iles Coroner's Inquest

The Office of the Chief Coroner believed that it was time for a thorough examination of domestic violence situations and chose the May/Iles murder/suicide for an inquest. The inquest into the deaths of Arlene May and Randy Iles began on February 16, 1998, and concluded on July 2, 1998. During that period, jurors heard from 76 witnesses over 51 days, with evidence related primarily to the criminal justice system's response to domestic violence. The jurors returned with 213 recommendations directed mainly at the Ontario government and intended to make the system more responsive to the needs of women and children experiencing domestic violence.

The Joint Committee on Domestic Violence

The Jury recommended that the government establish a committee consisting of equal numbers of representatives from the government and community to oversee the implementation of the recommendations. In December, 1998, the Ontario government created the Joint Committee on Domestic Violence to provide advice to the Attorney General on the government's implementation of the jury recommendations. The Attorney General had the lead responsibility for coordinating the government's implementation of the recommendations.

The Joint Committee was established with the following terms of reference:

- 1) To review jury recommendations and advise the Attorney General on their implementation including providing advice on:
 - a) setting priorities on the creation of domestic violence services and programs;
 - b) the extent to which existing and planned programs are in keeping with the jury's recommendations;
 - c) the extent to which existing and planned programs serve to provide a seamless domestic violence program across Ontario;
 - d) mechanisms required to provide ongoing monitoring of the programs and services developed in response to the jury's recommendations.
- 2) To consult with experts, victims, members of culturally and regionally diverse groups and other stakeholders and service providers as required to fulfill these terms of reference.

The Joint Committee on Domestic Violence consists of the following members:

- The Honourable Judge Lesley Baldwin, Chair
- Vivien Green, Coordinator, Woman Abuse Council of Toronto
- Dr. Peter G. Jaffe, Executive Director, London Family Court Clinic
- Roz Roach, Executive Director, Emily Stowe Women's Shelter
- Marilyn Struthers, community activist in the field of domestic violence, and resident in Grey County, the rural community in which Arlene May was murdered
- Angela Longo, Assistant Deputy Attorney General, Family Justice Services Division, Ministry of the Attorney General
- Bob Middaugh, Assistant Deputy Minister, Policing Services Division, Ministry of the Solicitor General
- Trinela Cane, Assistant Deputy Minister, Planning and Policy Division, Ministry of the Solicitor General and Ministry of Correctional Services
- Lucille Roch, Assistant Deputy Minister, Children, Family and Community Services Division, Ministry of Community and Social Services*
- Barbara Saunders, Assistant Deputy Minister, Ontario Women's Directorate

*Lucille Roch, was the named member of the Joint Committee on Domestic Violence, representing the Ministry of Community and Social Services. She was replaced in June, 1999, by Ann Masson, Director, Child Care and Community Services Branch, Ministry of Community and Social Services.

In recommending the creation of a joint government and community committee to oversee the implementation of the recommendations, the Jury recognized the inherent value of this

collaboration. In creating the Joint Committee, the government acknowledged the important contribution that community experts make to the development and implementation of domestic violence initiatives. The members were invited to be part of the Joint Committee on Domestic Violence in their individual capacities and not as representatives of their particular organizations or employers.

We reviewed every one of the 213 wide-ranging recommendations from the May/Iles jury. While the majority of the recommendations focused on the criminal justice system's response to domestic violence, we felt it was important to look at the broader systems' response in order to achieve seamlessness.

To fulfill our terms of reference, we worked with staff of various government ministries and provided ongoing advice on domestic violence initiatives. We also heard about a wide range of government initiatives that are currently in place or are in the process of development and/or implementation. We consulted with a number of stakeholders and selectively invited various community experts to meetings to share their knowledge and insights regarding specific jury recommendations. A list of people who presented to or consulted with our committee is included as Appendix A of this report.

While we met, the Ontario government was coordinating its response to the Coroner with a detailed account of the extensive domestic violence initiatives it has undertaken to date. This provincial report, entitled "Progress Report on Implementation of the Recommendations of the

May / Iles Coroner's Jury", was delivered on July 9, 1999 to Dr. Bonita Porter (the Deputy Chief Coroner who presided over the May – Iles inquest).

16 CRITICAL STRATEGIES

This report identifies 16 critical strategies for taking action against domestic violence. We have grouped the strategies under four categories.

THE ESSENTIAL COMMUNITY SERVICES

- 1) Ensure access to essential victim services in each court catchment area.
- 2) Ensure that children exposed to domestic violence have access to services.
- 3) Study the effectiveness of and improve access to male batterers programs. Support innovation in responses to male batterers.

THE EFFECTIVE JUSTICE SYSTEM RESPONSE

- 4) Implement standardized, specialized Police response to domestic violence across the province.
- 5) Ensure consistent enforcement of restraining orders and explore strategies to improve their effectiveness.
- 6) Reinforce Crown Attorney leadership by implementing consistent standards and ensuring accountability.
- 7) Introduce specialized court responses for prosecuting all domestic violence cases in the province.
- 8) Amend legislation to recognize the effects of domestic violence on children.

ACHIEVING SEAMLESSNESS

- 9) Utilize standardized risk assessment and safety planning tools across the system, throughout Ontario.
- 10) Establish domestic violence coordinating committees in every court jurisdiction.

- 11) Introduce mechanisms for provincial coordination of domestic violence responses.
- 12) Provide more effective education and training on domestic violence for every sector of the response system.
- 13) Recognize that public education is an essential part of Ontario's approach to address domestic violence.
- 14) Implement accountability mechanisms across all sectors.

FUNDING AND PLANNING PRIORITIES

- 15) Implement new and innovative funding strategies to support domestic violence initiatives.
- 16) Develop a realistic and attainable plan to fully implement domestic violence initiatives over the next five years.

The following section will provide an elaboration of each of the 16 critical strategies. This elaboration will include an overview of the current situation in Ontario, a synopsis of advice we provided to the government on specific initiatives that fall within each of the 16 strategies, and further recommendations to lead to full implementation of the strategy.

Identification of “Best Practices”

During the course of our work, we examined information on many innovative programs and responses to domestic violence, both within Ontario and other jurisdictions. Where possible, we have identified “best practices” which provide concrete examples of innovative programs that respond to domestic violence.

The Joint Committee's Vision

In Ontario, we envisage an accessible, seamless, and effective response system to address the realities of domestic violence. We believe that each woman, child, and man should have access to a core set of essential domestic violence services (identified in the table below), regardless of the community in which they live. We recognize that the method of delivery of these services may vary depending on the size, geography, and population density of a particular community. However, through the use of transportation, consultation, and mobile services, most residents of Ontario should be able to gain access to these core services.

Framework of Essential Services for Domestic Violence in Each of the 54 Court Catchment Areas in Ontario

EMERGENCY RESPONSE	JUSTICE SERVICES	INTERVENTIONS WITH PERPETRATORS	VICTIMS' SERVICES	CHILDREN'S SERVICES
<ul style="list-style-type: none">• Police service with Domestic Violence Response Model• Victim Crisis Response• hospital-based emergency service with domestic violence protocol for screening and referral	<ul style="list-style-type: none">• criminal: domestic violence court or specialized court process• family: domestic violence case management system• Victim/Witness Assistance Programme• Designated Crown attorney• court-related clinical assessment services• priority access to legal services for domestic violence• cultural interpreters	<ul style="list-style-type: none">• batterers' program	<ul style="list-style-type: none">• emergency shelter• support, counselling and advocacy• long-term counselling• sexual assault services• transitional housing• access to transitional supports, such as:<ul style="list-style-type: none">➢ housing➢ employment assistance➢ child care	<ul style="list-style-type: none">• children's mental health services with domestic violence screening and assessment• counselling for children who witness abuse• supervised access programs• school-based programs

THE ESSENTIAL COMMUNITY SERVICES

Evolution of Services for Domestic Violence

Society's initial response to domestic violence can be largely credited to the women's movement of the 1960s and 1970s. The movement led to an increased recognition of violence experienced by women and the development of services, which carried the dual mandates of social and personal change. In the early and mid 1980s services to respond to domestic violence increased dramatically, provided predominantly by women's organizations, such as transition houses or shelters.⁷

The provincial funding initiatives of the mid 1980s saw considerable investment in the creation of the network of nearly 100 shelters currently operating in Ontario, and in the development of specialized staff expertise. Many shelters became leaders in community planning efforts to develop a "community response" to violence against women. In many communities, they assisted with the development of inter-agency protocols, services for children, and services for abusive men. Their efforts also included the development of second stage housing, sexual assault services, court advocacy, public education and transportation services. Rural shelters in particular became multi-service agencies, with staff that specialized in providing abuse-specific services.

Although women's organizations were key to initiating a societal response to domestic violence, these same organizations have worked to gain legitimacy in the social service community over the past 25 years.⁸ Over time, shelters have taken on more of the characteristics of a professional social service, and less those of social change organizations.⁹ Other organizations, such as

family and social service agencies and mental health centres, began to provide counselling and support services to women and children who had experienced domestic violence, providing services that were traditionally delivered by shelters and women's organizations.

By the mid 1990s, much of the community planning capacity for domestic violence coordination, provided by sheltering organizations, was lost to changes in funding priorities. These changes left many communities struggling to find other ways to do the work necessary to create a community response and provide public information and advocacy. In many communities, coordination between social services and the justice system was put on hold.

This 'evolution' of a community response to domestic violence has determined, to a large extent, what services are available within a particular community, how these services are delivered, and has resulted in a "patchwork" of services rather than the consistent and seamless system called for in the jury recommendations.

The Concept of "Court Catchment" Areas

Ontario is Canada's most populated province, with a population of 11 million. We have communities ranging from densely populated large urban centres to small, remote northern communities. We are presently served by 54 court jurisdictions or "catchment areas" which cover the whole of the province. Court catchment areas may include communities within the court's jurisdiction where the population size and distance between court buildings warrant additional resource development. For operational convenience, we have chosen to use these court catchment areas to reflect the central role that the criminal justice system plays in responding to domestic violence.

An effective, province-wide response to domestic violence must consider the most efficient ways to ensure access to essential services in each community, given its unique size, location and particular needs. While a community-by-community needs analysis of services was beyond the scope of our work, we have defined a set of essential services that should be accessible in each court catchment areas across the province.

Strategy 1:

ENSURE ACCESS TO ESSENTIAL VICTIM SERVICES IN EACH COURT CATCHMENT AREA

The needs of women leaving abusive situations are illustrated by Felicidade Macedo Rodrigues, a settlement service counsellor in Toronto, who agreed to be interviewed for this report.

“The abuse is becoming more sophisticated. The man is smarter. He knows that if he beats her up and the Police are called, it’s likely that he will go to jail. Instead of punching you in the face, bruises will show in the upper leg or in the belly ... places where they are not seen by neighbours right away. The emotional abuse is tremendous.”

Ms. Macedo Rodrigues emphasized that women often remain in abusive situations because they fear that they will not be able to provide for their children on their own. It would help considerably, she says, if women had more generous social assistance, didn’t have to bear the social stigma attached to receiving welfare, and had access to more affordable housing.

“They say, ‘He doesn’t abuse my kids so maybe it’s better that I stay at home so that the kids will have food on the table.’”

Ms. Macedo Rodrigues observes that for many women remaining in an abusive relationship is the only alternative, because they fear that they will not be able to support and care for their children on their own. One of the results is that more and more of these women experience depression. “I have never referred as many women to mental health care as I do now,” she says.

“The most successful cases I have had, in encouraging women to leave abusive situations and go through a healing process, has been where the women were able to access permanent housing ... Unless this government convinces itself that subsidized housing is a must to help women leave

abusive situations, the abuse will continue and the women will continue to stay in that situation."

Our social service response to domestic violence includes specialized services that have been specifically designed to address these issues (e.g. shelters, batterers' programs, etc.) and services with much broader mandates, but whose clients include victims of domestic violence, among others.

Rural and remote communities face unique barriers in providing an effective response to domestic violence because the social service providers are more dispersed and women may have to travel significant distances to access services. The cost of or lack of access to transportation are examples of the barriers that rural women face when attempting to access services.

Recommendations:

1) While we recognize that residents in small or remote communities will never have the full range of services available in large urban centres, we recommend that a core of essential victim services be consistently accessible in each of the 54 court catchment areas in Ontario.

These essential victim services include:

- emergency shelters;
- hospital-based emergency and other health services;
- support, counselling and advocacy;
- long-term counselling;
- sexual assault services;
- transitional housing; and

- transitional supports (including access to housing, employment assistance and child care).

2) In recognition of the unique geographic, cultural, and demographic needs of northern communities, we recommend that coordinating committees, existing formal structures (e.g. Band councils, etc.), existing community networks (e.g. Ontario Native Women's Association) and the government, work collaboratively to develop and support the essential services in their court catchment areas. Government ministries may need to change their funding programs and structures to be more flexible, creative, and responsive in how support is provided to Northern communities.

Providing Services to Culturally Diverse Populations

The racial, cultural and ethnic makeup of Ontario – particularly in large urban communities such as Toronto – has changed dramatically in the last 30 years. Immigration fuels much of Ontario's population growth, and in recent decades developing nations in Asia, Africa, the Caribbean and Latin America have accounted for a substantial proportion of newcomers to this province. As a result, Ontario has become one of the most multi-racial, multi-cultural jurisdictions in the world.

This racial, cultural and ethnic 'mix' is particularly relevant to the provision of essential victim services. While domestic violence occurs in all cultures and races, factors such as language, race or culture can result in women experiencing abuse differently. These same factors can produce barriers to accessing domestic violence services. Newcomers to Canada experience an increased vulnerability to tolerating violence in their intimate relationships due to a number of factors including isolation and their perception of the implications of disclosure of abuse on their immigration status.

Where the population density warrants, there should be ethno-specific services. For centres where the population density does not warrant separate services, essential victim services for domestic violence must demonstrate 'cultural competency' in the way that these services are provided. To ensure that the needs of victims from culturally diverse populations are appropriately and effectively addressed, it is critical that the entire domestic violence response system, including victim services, encompasses the following:

- service providers with an understanding of how cultural factors impact the victim and correspondingly, their work with these victims;
- service providers who reflect the multi-cultural, multi-racial and multi-ethnic 'face' of the clients they service (i.e. service providers who are from various cultures and races);
- ethno-specific services where staff are trained in domestic violence issues; and
- access to cultural and language interpreters.

Best Practice

An example of a culturally sensitive and culturally appropriate initiative is the government's *Aboriginal Healing and Wellness Strategy*. This strategy is a provincial initiative aimed at promoting family healing and improving the health status of Aboriginal people. One of the key objectives of the Strategy is to address family violence within Aboriginal and First Nation communities through community-based immediate and long-term initiatives. A key feature of the Strategy is that services are designed, delivered and administered by Aboriginal people.

The Strategy, which was established in 1994, was renewed in April 1999, for another five years. It has an annual allocation of \$33 million, formalized in Implementation Agreements signed between Ontario and 15 Aboriginal organizations/Independent First Nations. It is jointly managed by four government ministries (Ministry of Community and Social Services, Ministry of Health, Ontario Women's Directorate, and the Ontario Native Affairs Secretariat) and 10 representatives of the Aboriginal signators to the Implementation Agreement.

Crisis Services

Typically, a victim's first contact with the criminal justice system is with a Police officer who attends the scene of a "domestic occurrence". Generally, at these times, the victim is in a state of crisis and in need of emotional support, practical assistance, and information. Victim crisis services, delivered by trained volunteers or paid service providers, are offered in a number of locations throughout the province. *Victim Crisis Assistance and Referral Services* (VCARS) are available in 21 locations. These crisis services are delivered by trained volunteers who are contacted by Police and attend at the scene of the occurrence. In other locations, such as Hamilton, London and Peel, crisis services are provided by social workers who are employed by the municipal Police service. In all locations, the services include immediate crisis intervention, emotional support, provision of referral information, and assistance to women to develop safety plans. These services are available on a 24-hour basis.

Recommendations:

- 3) The victim crisis services currently available in some communities provide an immediate and necessary response to women during a point of crisis. However, victim crisis services are not available in all jurisdictions in the province. We recommend that victim crisis services be expanded in each of the 54 court catchment areas in Ontario, in collaboration with the local community coordinating committees (where they exist). These crisis services could be delivered through the VCARS model, through a specialized program of a Police service (such as Hamilton), or through another innovative model.

- 4) To provide a seamless crisis response to women who experience domestic violence, we recommend that community-based crisis services, such as the Assaulted Women's Helpline, and other crisis lines, be adequately resourced.
- 5) Recognizing that victim crisis services are and will be delivered through various models and that VCARS currently have standards in place, we recommend that the Ministry of the Solicitor General establish a task group (consisting of representatives from Police, VCARS, and the Office for Victims of Crime) to develop provincial standards for all victim crisis response programs. These provincial standards will ensure that a consistent, quality service is provided across Ontario. The task group should also establish standards for how to provide victim crisis response for "high risk" victims.

Access to Crisis Housing

As part of a victim's contact with Police or with victim crisis service providers, she may be escorted to an emergency shelter. The availability and access to emergency shelter is one of the key components of essential services for women and children who experience domestic violence. While only 8% (Statistics Canada, 1993) of women who experience domestic violence utilize emergency shelter resources, it is imperative that these resources be available and accessible.¹⁰

In cities such as Toronto, Hamilton and Ottawa, which face acute housing shortages, abused women are often in the tragic position of not having anywhere else to go. Many of them remain in domestic situations that become increasingly dangerous to them and their children. Others are driven into homelessness. Housing shortages are cyclical in most Ontario cities. When the supply of affordable housing is low, shelters tend to fill with women who are desperate for

housing, but not all of whom are coping with domestic violence. As a result, some women fleeing from abusive situations are turned away. During a housing crisis, women stay in shelters for a longer time, because they have nowhere else to go.

Recommendations:

- 6) One of the essential domestic violence services is emergency shelter. Each of the 54 court catchment areas require access to these essential shelter services. We recommend that the Ministry of Community and Social Services work in collaboration with the local community coordinating committees to identify the best way to meet their communities' local needs for emergency shelter. For example, in some communities such as downtown Toronto, there may be a need for more crisis beds in shelters. In other communities additional shelter beds may not be the highest priority. In remote communities access to shelter beds for abused women might involve funding to assist women with transportation to shelters.
- 7) Without long-term, stable, and affordable housing, women leaving abusive situations cannot be safe. In many parts of the province there is a shortage of affordable housing. The Golden Report recognized the seriousness of homelessness and the unique vulnerability of victims of domestic violence.¹¹ We recommend that as the Federal and Provincial governments and the Municipalities find affordable housing solutions that these solutions address the particular vulnerability of women leaving domestic violence situations.
- 8) We recommend that the Ministry of Municipal Affairs and Housing should implement a rent subsidy program specifically directed to abused women who are escaping violence and

abusive relationships. This subsidy will build on the existing rent subsidy program and would be a portable program to allow women to apply for and receive a rent subsidy for private market housing.

- 9) We also recommend that increased resources be identified to fund transitional support programs to assist women to access resources necessary to establish a new life separate from the abuser. "Transitional supports" include assisting women to secure affordable housing, income support, child support, child care, legal aid, longer-term counselling, and education and training. (We agree with the government's direction in the *Building Opportunities for Women* project which assists women, who have experienced abuse, in gaining economic independence by helping them become more employable through addressing the need for literacy, basic skills, language training, employment preparation and training.)

In places where these transitional supports do not exist or are inadequate to meet the needs of a particular community, we recommend that the government work in collaboration with the local community coordinating committees to determine where additional resources might be accessed to enhance these transitional supports for women.

- 10) To ensure that the needs of women and children are best served, protocols for inter-sectoral referral and collaboration should be developed between emergency/crisis services and community social service agencies. Shelters and community agencies should be encouraged and assisted to develop partnerships and protocols between themselves and other sectors and

services, including VCARS, Victim/Witness Assistance Programmes (V/WAP), and Children's Aid Societies.

Broader System Response to Domestic Violence

While statistically we know that only a small proportion of women who experience domestic violence contact Police or use emergency shelters, most do come into contact with the broader social service and health care system. We also know that it is very difficult for many women to disclose abuse because of fear, embarrassment and intimidation. For these reasons, we believe that it is critical that all employees of relevant sectors should be equipped to deal sensitively and effectively with the impact of domestic violence on the women they serve. This is particularly important in order to create a system where domestic violence is consistently identified.

Priority Access to Legal Services

Women who have experienced domestic violence require priority access to specialized legal services, including both legal support and litigation services. These specialized legal services should focus on the overall needs of women who have been victimized by domestic violence, and include legal services which relate to:

- safety and security
- immediate and long-term financial stability
- determination of Family Law Rights
- the need for stable and affordable housing
- determination of immigration status in Canada

- their need for justice, financial compensation, and other redress for the impact/injuries of violence they have experienced
- continuity in legal services between family and criminal court proceedings.

Best Practice

The Ministry of the Attorney General, through funding from the Ontario Women's Directorate, has established a pilot project in partnership with the Barbra Schlifer Commemorative Clinic, to provide specialized legal services for abused women. The project assists women who want to leave abusive relationships by providing direct legal services, advocacy and public education related to domestic violence, family law, landlord and tenant, Criminal Injuries Compensation Board and immigration issues.

Recommendations:

- 11) We support the government's direction in funding the *Specialized Legal Services for Abused Women* pilot of the Barbra Schlifer Commemorative Clinic. We recommend that the results of this pilot inform possible expansion of this type of specialized legal service for abused women in locations throughout Ontario. Further, we recommend that Legal Aid Ontario should fund similar, innovative programs that support women who are involved in both family and criminal court proceedings. The programs should address the need for information sharing between these two court jurisdictions.
- 12) Legal Aid Ontario must communicate to abused women and services providers, the enhancements to legal services it has made, and determine if these services are sufficient to address the needs of women leaving abusive relationships.
- 13) For Family Court Assessments, we recommend that Legal Aid Ontario in consultation with bodies responsible for regulated health professionals ensure that assessors they fund have

received specific training on domestic violence, and are qualified to do assessments in these situations.

Health Sector's Response

Many women who experience domestic violence do seek medical assistance for the injuries they have sustained or to deal with the emotional and somatic difficulties that occur as a result of victimization. In some instances, contact with a health care provider is the only opportunity that the abused woman has to get assistance and support to deal with the reality of violence she is facing at home. For this reason, health care practitioners play a vital role in identifying domestic violence and providing sensitive support and referral information.

If a woman does disclose that she is experiencing domestic violence to a health care provider, she should receive appropriate support and information on services that are available to assist her within her community. In the course of our work, we learned that health care providers often feel ill-equipped to respond to a woman's disclosure of abuse or to even ask the question of whether she is experiencing domestic violence, due to a shortage of resources and their own uncertainty about how to respond. Most health care facilities do not have social workers or counsellors on-site to provide immediate support or counselling at the time of a disclosure.

To fulfill these important functions, health care providers need specific training and information on how to identify domestic violence, provide sensitive and appropriate support, and link these women with the larger domestic violence response system.

Best Practices

The *Woman Abuse Project at St. Joseph's Women's Health Centre* in Toronto funds a full-time position to coordinate a hospital-based multi-disciplinary response to domestic violence. This position has responsibility for facilitating policy and protocol development, delivering training for hospital staff, and providing support to women who disclose experiences of domestic violence.

In Ontario, the London Battered Women's Advocacy Centre worked in collaboration with the local coordinating committee to develop a protocol promoting inter-sectoral collaboration between the health care system and other sectors. *Responding to Woman Abuse: a Protocol for Health Care Providers* is the result of this work.

Recommendations:

- 14) We recommend that each community develop a multi-disciplinary approach to domestic violence which includes the central role of the health care sector. To this end, each District Health Council, in consultation with the local community coordinating/advisory committees on domestic violence, assess and document the available domestic violence resources within their catchment areas and promote the following health sector approaches:
 - improve identification and assessment of domestic violence cases in both hospitals, emergency health, and community health sectors;
 - promote the use of appropriate screening tools for patient assessment across the health sector;
 - promote improved linkages among the domestic violence initiatives within the health sector and both the criminal justice and community social service sectors. These linkages should be documented in local and regional plans and include mechanisms to support the

- development of appropriate and sensitive approaches to evidence-taking (including within health facilities); and
- promote the development and adoption of health sector protocols regarding appropriate provision of and referral to short- and long-term counselling and support services.

15) We recognize that victims of domestic violence can receive specialized emergency medical care through seven Sexual Assault Treatment Centres (SATC). These services include documentation of injuries for use as medical forensic evidence in courts, safety planning for victims and referrals to shelters, counselling programs and other community-based agencies. We understand that the Ministry of Health and Long Term Care is currently evaluating the effectiveness of the *Domestic Violence pilots* and we encourage the government to expand these specialized units to each of the 27 SATC and other hospitals across Ontario to ensure access to these core services within the 54 court catchment areas.

16) We recommend that the Ontario Medical Association, Ontario Hospital Association, College of Physicians and Surgeons of Ontario, Ontario College of Family Physicians, Association of Community Health Centres and the College of Nurses work together to put standards and procedures in place so that all health care facilities can provide services to screen for domestic violence. Health care facilities should ensure that, at the initial patient history taking, and in a confidential setting, appropriate screening for domestic violence is undertaken. This screening should be done by a health professional or counsellor trained in domestic violence. For example, questions that could be used for screening include "Have you ever or are you currently living in an environment where you fear for your safety? Are

you being hurt or threatened in your home?" This screening should be enforced through the Canadian Council on Health Services Accreditation.

17) We also recommend that the Ontario Hospital Association as part of its new annual report card process or through other reporting mechanisms, develop a survey in concert with domestic violence experts, which measures progress in hospitals in the following areas:

- screening for domestic violence;
- ensuring training opportunities for staff; and
- developing appropriate service protocols.

18) The Ontario Hospital Association, in collaboration with the Ministry of Health and Long Term Care should ensure that all hospitals have the capacity to either directly or in concert with other agencies provide women with access to counsellors or social workers to provide specialized domestic violence counselling on an as needed basis.

19) The Ministry of Health and Long Term Care and the Ontario Medical Association should examine the existing descriptions of codes regarding assessment and counselling in the Schedule of Benefits to ensure that screening and counselling for domestic violence are embedded in existing code descriptions and are understood by/communicated to physicians.

Access to Long-Term Counselling

Women who are attempting to leave or who have left an abusive relationship often require longer-term support and counselling. The funding mandates of many counselling and support

services available to women, free of charge, are time-limited (i.e. short-term). Often the length of contact that a woman has with these services is inadequate to address the complex emotional, psychological, and practical difficulties she experiences as a result of the trauma of domestic violence. Access to affordable or free long-term counselling in most communities is very limited.¹²

Recommendations:

- 20) The Ministry of Health and Long Term Care and the Ministry of Community and Social Services should establish an inter-ministerial task group to work in collaboration with local community coordinating committees, to examine the availability of, and ensure access to long-term emotional/psychological counselling resources within the 54 court catchment areas in Ontario.
- 21) In communities where access to long-term counselling resources is limited or non-existent, the Ministries, in collaboration with the local community coordinating committees should develop and implement a plan to address these needs.

Strategy 2:

ENSURE THAT CHILDREN EXPOSED TO DOMESTIC VIOLENCE HAVE ACCESS TO SERVICES.

In households where domestic violence has taken place, an astonishing percentage of children have been affected. One study, based on interviews with mothers who had experienced domestic violence, suggested that approximately 40 per cent of children in violent households had been exposed to that violence.¹³ Another study, based on interviews with children, suggested that the number could be as high as 80 per cent.¹⁴ In situations where women are murdered by their spouses, children were present in 25% of these cases.¹⁵

Children who are exposed to domestic violence may suffer short- and long-term behavioural, emotional, physical, and psychological consequences. The specific impact on a child is dependent upon on a number of factors including gender, age, and stage of development. Girls who have witnessed domestic violence are at greater risk of tolerating violence in their adult relationships. Boys who have witnessed violence may become abusers themselves. Violent and abusive behaviours are learned. In order to create long-term change and prevent domestic violence, we must intervene with children exposed to this violence and abuse.

As we identified in the description of essential services under our first strategy, children who are exposed to domestic violence should have access to a full range of services to address their specific needs. This range of services includes:

- crisis services;
- early identification and intervention;
- counselling for children exposed to domestic violence;
- supervised access programs; and
- school-based programs.

Crisis Services

When Police are called to the scene of a “domestic occurrence” and children are present, there are a number of issues that must be addressed. Police officers must determine whether a child requires medical attention and whether they have a duty to report the matter to the Children’s Aid Society under the *Child and Family Service Act*. Children are often in a state of shock or

crisis, and in need of emotional support and information. As identified previously, victim crisis services delivered at the scene of a "domestic occurrence", can provide children with immediate and very necessary support. In situations where no victim crisis services are available, Police have an obligation to respond sensitively to the children and to provide information to the parent on counselling and support resources available for these children within their community.

Recommendations:

- 22) We recommend that Police, VCARS volunteers and other victim crisis service providers be trained to respond to the specific needs of children at the scene of a "domestic occurrence". As well, Police should develop policy and protocols for dealing with children at the scene of a "domestic occurrence", including a specification of when notification of the Children's Aid Society is required or other community/social service agency should be involved.
- 23) In situations involving homicide, homicide-suicide, any life-threatening and all serious violence where children are present, Police must provide referral information on counselling resources for these children in their community, to the parent/guardian present. VCARS (or other victim crisis service providers) and Police should also assist the woman to link with appropriate community social service agencies, children's mental health services, and shelters. For example, this assistance might include transportation to the local shelter where counselling supports may be available for the woman and children.

Best Practice

PROJECT ERIN (Emergency Response Intervention Network) in Los Angeles. If children are present at the scene of a domestic occurrence, Police contact two Domestic Violence Interventionists, one to work with the adult victim and one who works with the children. During this on-site counselling, the service provider gives information on services that are available, explain to the victims the effect that exposure to domestic violence has on children, and work with the victim to develop safety plans for her and her children. In cases where the victim remains at home following the incident, the service providers outline the range of services available to her, including the issuance of a restraining order and provides referral information about appropriate agencies.

In the days following the incident, the service providers remain in contact with the victims to make them aware of the services available (for the women and her children), encouraging them to make use of these resources.

Early Identification and Intervention

During our review of the Jury recommendations we heard about a number of government initiatives that are directed at early identification and intervention. These initiatives are sensitive to the needs of children who are exposed to domestic violence. The *Healthy Babies, Healthy Children* initiative, a joint program of the Ministry of Community and Social Services and the Ministry of Health and Long Term Care, is designed to support optimal growth and development of children in Ontario. The program was developed to ensure that families with children (prenatal to age six) have access to information and support. Those children who are identified as being "at risk" of physical, cognitive, communicative, and/or psychological problems are linked with early intervention services, including home visiting. The initial screening that occurs at all Ontario hospitals when a baby is born screens for domestic violence.

The Ministry of Community and Social Services and the Ministry of Health and Long Term Care have also begun to introduce standardized intake and assessment forms in children's mental health services that will include screening for domestic violence. We agree with the direction of both of these initiatives.

Recommendation:

- 24) We recommend that the government continue the process of introducing the standardized intake and assessments, which include screening for domestic violence, to ensure that they are utilized in all children's mental health centres across Ontario.
- 25) When domestic violence is identified, appropriate supports to the child should be provided by these children's mental health centres including, but not limited to, safety planning.

Counselling for Children Who Are Exposed to Domestic Violence

As the *Early Years Study* outlined, "stimulation from a violent home can have developmental consequences for young children, leading to adverse responses to stress later in life."¹⁶ To mitigate the impact of exposure to domestic violence, counselling for these children is a necessary or essential service response. While we recognize that not every child who is exposed to domestic violence will require counselling, for those who do, these services should be available and easily accessed.

Some counselling or support services to children who are exposed to domestic violence are available in shelters or through children's mental health centres. However, these services are provided 'unevenly' throughout the province. Currently, these counselling services for children

are not available in each community in Ontario, and even in those that have services they are inadequate to meet the need (e.g. Jewish Family and Child Services in Toronto has 200 children on a current waiting list).

Recommendations:

26) We recommend that the Children's Secretariat and the Ministry of Community and Social Services, in conjunction with local coordinating committees in each community, identify the best way to meet their community's local needs for counselling and support services for children who are exposed to domestic violence. The expansion of these services to each of the 54 court catchment areas in Ontario is required and should be supported.

27) In addition, to ensure that the available services are utilized most effectively, the Ministry of Community and Social Services should encourage and support the development of protocols and service coordination among children's service sectors (including child care, children's mental health, Children's Aid Societies (CAS), women's services, shelters, and family services) with other sectors. The Ministry's initiative, which supports the development of protocols between CAS and women's services/shelters, is a step in the right direction.

The Role of the Education System in Early Identification and Intervention

The Education system plays a pivotal role in society's response to domestic violence. Schools significantly affect the lives of children and adolescents. Schools struggle to deal with the aftermath of domestic violence, often without knowing it. School personnel may not recognize the relationship between a student's difficulties at school and his/her exposure to domestic

violence at home. Teachers, school administrators, guidance counsellors, psychologists, social workers, and other school personnel are key players in prevention activities and early intervention with children exposed to domestic violence.

Prevention education can include information about:

- healthy relationships contrasted from domestic violence situations,
- constructive, non-abusive strategies to resolve conflict and to deal with emotions, and
- what to do if they or someone they know is experiencing abuse at home.

In addition to the school's role in prevention activities, school personnel are key to early intervention with children exposed to domestic violence. For example, schools can develop specific protocols and work in collaboration with women's shelters and violence against women prevention agencies to provide in-school support for students and professional development opportunities for school personnel.

In the course of our work, we learned about a range of violence against women prevention initiatives that the Ministry of Education coordinates, supported by funding from the Ontario Women's Directorate. *The School-Based Services program*, which provides funding to school boards to purchase services from woman abuse agencies and shelters, is an effective vehicle for promoting collaboration between sectors, providing professional development for teachers on domestic violence, and identifying and supporting children exposed to domestic violence at home. While a number of school boards do participate, the school-based services initiatives are voluntary and not universally implemented (i.e. not all schools or school boards participate). We

also learned that a number of schools are not aware of the existence of this initiative and the funding that is available for this purpose.

The Ministry of Education (with funding from the Ontario Women's Directorate) also provides a small amount of financial support to school boards for violence against women prevention resource and professional development purposes. As well, schools, school boards, and school authorities can order violence against women prevention resources (e.g. books, CD-ROMs, and videos) from the Ministry, free of charge (distributed through Education Wife Assault, a non-profit agency). These resources are then used locally to support professional development and student education activities related to domestic violence. Once again, we learned that the availability of these free resources is not well publicized or well known across the province.

The success of these initiatives is based largely on the time and commitment of a few key individuals within the education system. Given the range of competing priorities facing school personnel today, violence against women prevention is often not at the "top of the list". However, violence against women prevention activities can be integrated within a school's or school board's existing child abuse prevention and violence prevention initiatives, utilizing the resources that are readily available through the Ministry.

Recommendations:

28) In keeping with the pivotal role the education sector can play in the domestic violence response, we recommend that *violence against women prevention* (including domestic violence issues) be identified as a priority within the Ministry of Education. To this end, the

Ministry should fund a dedicated, coordination function at each school board and designate a teacher at each school to assume lead responsibility in the following:

- developing and implementing policy (including: mandatory response to a student's disclosure of exposure to domestic violence; relationship protocol between school and women's shelters/agencies; and when school personnel are required to report a disclosure of a child's exposure to domestic violence to a Children's Aid Society or other community social service agency);
- providing consultation and direction to school personnel on case-specific matters (e.g. responding to disclosures or the needs of specific students)
- coordinating violence against women prevention and intervention initiatives within schools;
- facilitating the development and distribution of educational and professional development resources, at the local level, for prevention and intervention activities; and
- improving access to relevant information and materials to support school-based violence against women prevention initiatives.

We recognize that roles and responsibilities within school boards can be fulfilled in different ways and that some boards will require flexibility to implement this recommendation to best meet the needs within their schools. We recommend that the violence against women prevention coordination function be implemented across Ontario.

As well, we recognize that massive restructuring has occurred within the education system and that teachers are currently dealing with competing demands. We are aware of the debate about

teachers' roles and time allocations. Therefore, we recognize that new initiatives, such as this recommendation, will take time to implement.

29) Tools to measure indicators of success of these violence against women prevention initiatives, at the local level, currently exist. The Ministry of Education uses a *Community Development Scale* to assist local communities to measure their progress on violence against women prevention activities, within the School-Based Services programs. We recommend that the use of measurement tools within the education sector be expanded to include measurement of the progress a particular school and school board is making on implementing the domestic violence coordination function. This progress should be reported annually by the local coordinating committee's response in the Community Report Card (see the Strategy 10, on page 97, for more information on the Community Report Card). This local report of activities will provide valuable information at the provincial level to determine the extent to which the education sector is making progress in addressing this violence against women prevention agenda.

Best Practices

The domestic violence prevention coordinator position could be modeled after the Toronto District School Board's full-time Child Abuse Consultant position or the Thames Valley District School Board Learning Coordinator in charge of violence prevention.

The Thames Valley District School Board (in southwest Ontario) has implemented a unique violence prevention initiative. Theatre is used as the catalyst to engage students in discussions on many different topics related to violence prevention, (including sexual harassment and physical violence for grade 7-8 students, and date rape, sexual harassment, interpersonal violence and the abuse of power and control in relationships for high school students). Teachers write and direct age-appropriate plays on the subjects. The plays are performed by high school students. The program focuses on students from Grades 7 to OAC, and leads to the production of three plays each year. The plays change each year, but consistently take on such themes as naming the violence, understanding the causes of violence, and developing strategies to prevent and end violence. After each play, students participate in a structured debriefing, facilitated by senior high school students for younger students, and university students for senior high school students. Prior to the presentation of the play, the staff at the participating school receive an information session on the program, a clarification of teachers' roles, and how to deal with possible disclosures from students. District School Board psychologists or social workers are scheduled to be present in the schools on the day the plays are presented to assist with disclosures and other aspects of the initiative.

Strategy 3:

STUDY THE EFFECTIVENESS AND IMPROVE ACCESS TO MALE BATTERERS PROGRAMS. SUPPORT INNOVATION IN RESPONSES TO MALE BATTERERS.

Why Men Abuse

Our understanding of why domestic violence happens informs how we as a society respond to this violence. We believe that domestic violence is learned behavior that is rooted in social values that condone violence against women. It has been well established that men who were exposed to domestic violence as children, are more likely to perpetrate violence in their adult relationships. Girls exposed to domestic violence are more likely to tolerate violence in their adult relationships.

Underlying the many forms of domestic violence noted in the Joint Committee's definition (see page 45) is the dynamic of power and control. Male violence against women is fundamentally about the purposeful exercise of power and control over women. Other factors such as economic hardship and the abuse of alcohol and drugs, may trigger or escalate incidents of domestic violence.

We recognize that victims are never responsible for their abuse. Therefore, it is important that our response to violence includes interventions with abusers that hold them accountable for their violence. This approach ensures that male batterers face the consequences for their behavior, have opportunities to learn about domestic violence, and find alternative strategies to deal with their abusive behavior. It is also important to involve men in bringing positive, anti-violence messages back into the community.

As stated in the 1994 United Nations Declaration on the Elimination of Violence Against Women:

“... Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men.”

Why Fund Programs for Men Who Are Abusive?

There is considerable controversy over how the government should allocate its scarce resources. Some would argue that the limited financial resources that are spent on domestic violence each year should not be spent on men's programs, when the needs of abused women and children

exposed to domestic violence have not been met. Working with male batterers is one of the key strategies for increasing the safety of women and children, and creating long term change.

The rationale for provincial implementation of programs for men who are abusive includes the following:

- Male batterers' programs can directly enhance the safety of women (who are the partners of the men who participate in the programs) and their children when a significant component of the program involves partner contact and collaboration with agencies serving women who experience domestic violence by providing a way to closely monitor offenders;
- The programs make it easier for probation and parole officers to monitor convicted abusers and to intervene when there is a failure to comply with a court order. This improved ability to monitor and report back to the court contributes to the safety of women and children by increasing consequences for repeat offenders;
- The cost of intervention programs for men who are abusive will be considerably less than the combined costs of investigation, prosecution and incarceration of repeat offenders and of providing emergency intervention, medical assistance, and counselling services for victims and children; and
- Effective intervention for male batterers will contribute to long term change. If men are less likely to commit domestic violence, fewer children will be exposed to it, thereby reducing the impact on children and preventing the development of a next generation of abusers.

Current Response

Figures from the Ministry of the Solicitor General, Ministry of Correctional Services and the Ministry of the Attorney General indicate that 8,000 men are convicted of domestic violence offences each year in this province. However, most men who abuse their partners do not come to the attention of the criminal justice system.

The provincial government currently delivers Partner Assault Response (PAR) programs (formerly called male batterers programs) which are designed to hold the abuser accountable for his violent behaviour and to ensure safety for the women who are at risk of this violence. The programs are intensive educational counselling programs, which emphasize that domestic violence is a crime, and that the offender must take responsibility for his actions. They teach men that the abuse they perpetrate is their responsibility, and provide non-violent strategies/responses for these men to use in difficult situations. The majority of the participants in these programs have been mandated to attend as a condition of their probation or parole. Others are referred to these programs at the pre-sentence stage. PAR programs also include a victim contact and outreach component. Some of the programs have instituted a (sliding scale) fee-for-service component to their program. However, many offenders are unable to pay any fee.¹⁷

Current Issues

The PAR programs that currently exist are offered by a number of different service providers (contracted by the Ministry of Solicitor General or Correctional Services to provide these programs). The programs vary in length, content, and funding support, and collectively make up a patchwork response.

A large gap exists between the actual number of available spaces and the current demand for spaces in programs. This gap becomes even larger when the total number of available spaces in PAR programs is compared to the number of men who are convicted of domestic violence related offences each year. Spaces for court-ordered offenders are not readily available, making it more unlikely that men who want to participate voluntarily in these programs will have this opportunity within the current program system.

Finally, the field of intervention with men who are abusive is in its infancy. While research on program efficacy and the impact of intervention exist, evaluation data is relatively limited.

Provincial implementation of rigorous and consistently monitored programs is a key component of a coordinated response to domestic violence.

Recommendations:

30) We recommend that the Ministry of the Solicitor General and the Ministry of Correctional Services, in collaboration with local community coordinating committees, create an inventory of existing programs for male batterers, evaluate these programs, and use this information to inform the expansion of programs to the 54 court catchment areas in Ontario.

This review and evaluation of existing male batterers programs should compare rates of recidivism for batterers who attend programs and those who do not, and ensure that all

programs are offered in accordance to provincial guidelines and standards, and include the following components:

- a clear description on eligibility criteria to determine who should be referred to which type of program (e.g. men with mental health disorders are generally not ideal candidates for these programs) and a system for screening;
- direct contact and support for women who have experienced domestic violence. This partner contact and support can provide critical information which can assist to make the intervention program most effective and ensure that the women remain safe during the process; and
- careful monitoring of the abuser's participation and accountability mechanisms to ensure that information is shared with probation and parole, and the partner of participants. Non- participation in the men's program may constitute a failure to comply with a court order. This breach of a court order must be reported back to the Court so that consequences for the abuser can be imposed.

The experience of abusive men should be utilized in the process of review and expansion of programs to specifically consider how to:

- encourage men to self-refer and voluntarily enter programs;
- include an early intervention role in the charging process to maximize the deterrent impact of a charge; and
- involve "graduates" of male batterers programs in community outreach or public education with other men to end the violence.

31) We recommend that the number of spaces in the Partner Assault Response programs be increased over the next five years to 15,000 annually. This would provide access to programs for the 8,000 men convicted of abusing their partners and an additional 7,000 men who abused their partners and seek assistance independent of the justice system. (For a description of how the number of program spaces was determined, refer to endnote ¹⁸.)

In the instances when a man self-refers to a male batterers program, the program should assess the man's ability to pay a fee for participation in the program and offer the program on a "sliding scale" based on the participant's income.

32) Assessment services for male batterers should be available for judicial use to assist in the assessment and service planning for batterers with multiple problems (e.g. substance abuse, mental health disorders, etc.). These services should be accessible across Ontario.

Best Practice

Miami-Dade County Domestic Violence Court recognizes the uniqueness of violence involving defendants with mental health problems. In some instances, the rapid disposition of domestic violence charges without stabilization of mental health needs can compromise the safety of the women and their children. In cases where there are mental health concerns, defendants are assessed by experts in court and transported to a crisis stabilization unit when required. Once their mental health has been stabilized, they return to court for case disposition.

33) To ensure access to the broadest group possible, program materials and intervention strategies should be developed to ensure access to batterers' programs for men with low literacy, language barriers, and specific needs related to cultural issues.

34) As the field of intervention with men who are abusive is still very much in its infancy, we recommend that the government and the private sector actively work together to support research in this area and innovation in providing these programs.

THE EFFECTIVE JUSTICE SYSTEM RESPONSE

A Common Definition of Domestic Violence For the Criminal Justice System

“At first I didn’t think I had abused my spouse. When the Police explained it to me, that there’s 10 or 15 ways of abuse, then it dawned on me that the way that they had explained it, that yes, I did abuse my spouse ... I never physically hit my spouse ... I grabbed her. I pushed her. I pulled her and threw her around a little bit, and a lot. I was desperately afraid that if it kept going that it would go a little bit too far. I always thought assault was physical assault. You drive somebody in the head. That’s assault. I’d never known before that if you grab somebody and push them up against the wall that that was assault too.” man who completed a male batterers program (April, 1999)

The public naming of private violence has been a long experiment in Ontario. As a reflection of the changes in public understanding of the issue, terminology has evolved over the years, from *battered wives* – coined in the 1970s – to *battered women, wife assault, domestic violence, spouse abuse* and *woman abuse*. The term *domestic violence* emerged at a time when Police and Crown Attorneys became actively involved in charging and prosecuting domestic violence offenders.

As the May – Iles jury noted, a common definition forms the basis for a seamless response system. In consultation with representatives of the criminal justice system, we developed a definition of domestic violence to be used by all participants of that system, including:

- Police officers
- Crown Attorneys
- Victim/Witness Assistance Programme staff
- Judges and Justices of the Peace
- Defense lawyers
- Probation and Parole officers
- Corrections Officials

We hope that the use of this definition will promote a common understanding of the issue and more consistent identification and tracking of these cases throughout the criminal justice system.

Domestic violence is any use of physical or sexual force, actual or threatened, in an intimate relationship. Although both women and men can be victims of domestic violence, the overwhelming majority of this violence involves men abusing women.

These crimes are often committed in a context where there is a pattern of assaultive and controlling behaviour. This violence may include physical assault, and emotional, psychological and sexual abuse. It can include threats to harm children, other family members, pets and property. The violence is used to intimidate, humiliate or frighten victims, or to make them powerless. Domestic violence may include a single act of abuse. It may also include a number of acts which may appear minor or trivial when viewed in isolation, but collectively form a pattern that amounts to abuse.

Criminal Code offences include, but are not limited to homicide, assault, sexual assault, threatening death or bodily harm, forcible confinement, harassment / stalking, abduction, breaches of court orders and property-related offences.

Intimate relationships include those between the opposite-sex and same-sex partners. These relationships vary in duration and legal formality, and include current and former dating, common-law and married couples.

Although we chose to use the term “domestic violence” and developed the definition with the criminal justice system in mind, we hope that other sectors will be able to adapt it for use within their own work. We encourage people in health, education and social service sectors to consider our definition, and to use it as a basis for building common understanding throughout the province. Indeed, we note that many jurisdictions taking bold and innovative steps to deal with violence against women began the process by developing a common definition.

Recommendation:

35) We recommend that the definition of domestic violence, outlined above, be integrated and utilized by all components of the criminal justice system. This definition should become the basis for identifying and tracking all domestic violence cases as they proceed through the system.

Current Government Initiatives to Improve the Justice System's Response

In the course of fulfilling our mandate, we heard about a number of government initiatives which are directed at improving the justice system's response to domestic violence. Where appropriate, we provided immediate advice and direction on these initiatives. Some of these initiatives relate to specific components of the justice system. We have included references to these initiatives within our specific strategies outlined below. We encourage the government to continue in the direction of these initiatives.

The *Integrated Justice Project* is a multi-million dollar comprehensive technology system designed to facilitate effective information sharing between participants and components of the criminal justice system. The technology will allow information to be captured once, at entry, with access available to all authorized parties. For example, the technology will allow Crown Attorneys to have immediate access to up-to-date information about an accused abuser from any jurisdiction in Ontario to present in bail court. Beginning in the fall of 1999, various components of the information system will be tested in a number of sites. Implementation across the

province is scheduled to begin early in the year 2000. We fully support the direction of the Integrated Justice Initiative.

Strategy 4:

IMPLEMENT STANDARDIZED, SPECIALIZED POLICE RESPONSE TO DOMESTIC VIOLENCE ACROSS THE PROVINCE.

In 1982, the Solicitor General of Ontario issued a policy directive that Police must lay charges in all instances where there were reasonable grounds to believe that domestic violence had taken place. This marked the beginning of a process of criminalizing domestic violence by demonstrating society's intolerance for abusive behaviour.

A 1981 study in London, Ontario revealed that on average, the women interviewed had been physically abused by an intimate partner thirty-five (35) times before calling the Police.¹⁹ These statistics emphasize the importance of a sensitive, supportive and effective Police response to domestic violence calls. Police officers are the first point of contact that victims of domestic violence have with the justice system. If a victim is discouraged during this first contact with Police authorities, she may not ask for their help again or may be less likely to participate in further court proceedings, even as she faces increasing risks at home.

The Ministry of the Solicitor General has developed a *Draft Model Police Response to Domestic Violence* in order to ensure a standardized approach to Police officer's investigation of a domestic violence case. (This *Draft Model Police Response to Domestic Violence* would become mandatory pursuant to the *Police Adequacy Regulation* which is effective January 1,

2001.) The model was developed on the basis of a review of best practices from several jurisdictions across North America. The model includes guidelines on victim assistance and support, referral to community agencies, investigation of criminal harassment, bail, appropriate response to situations involving firearms and enhanced training to Police officers who will be investigating domestic violence occurrences.

The draft model also includes a *Supplementary Police Report Form for Domestic Violence* that incorporates information on the investigation and a *Risk Indicator Tool* to be used by front-line Police officers. The Ministry of the Solicitor General funded the development of this draft form using the services of the Ontario Provincial Police's Behavioural Sciences Unit, who contracted with a community victims' advocate. The form is intended to serve as a guide for Police to ensure that critical information is collected and included in the Crown brief prior to the bail hearing. The *Risk Indicator Tool* focuses the officer's investigation on factors which identify risks to the victim's safety. The *Supplementary Police Report Form for Domestic Violence* will form a critical part of the Crown brief, which informs decisions relating to bail.

The Ministry of the Solicitor General will be consulting with Police stakeholders over the summer of 1999. The model will be revised based on this feedback and will be implemented in the fall of 1999. The implementation will include training supports for Police officers.

We met with government staff of the Policing Services Division (working to develop the model), staff of the Ontario Provincial Police Behavioural Sciences Unit and the community advocate (working to develop the *Risk Indicator Tool*). During these consultation meetings we provided

specific feedback on the drafts. Members of our committee also participated in a consultation on the draft *Risk Indicator Tool* in London, Ontario with an inter-sectoral group (including OPP Behavioural Sciences Unit, Police officers, Crown Attorneys, women's advocates, shelter workers, and staff of social service agencies). We also attended an initial consultation between the Policing Services Division of the Ministry of the Solicitor General and key Police stakeholders on *the Draft Model Police Response to Domestic Violence*.

The following summarizes our feedback (provided to the Ministry of the Solicitor General), on the *Draft Model Police Response to Domestic Violence* and the *Risk Indicator Tool*. We have also included other recommendations related to the Police response to domestic violence.

Recommendations:

Victim Services and Referral

36) As the point of first contact for abused women, Police officers are the “gatekeepers” to the domestic violence response system. For this reason, we recommend that Police officers in each community must be aware of local domestic violence services and agencies, and give relevant telephone numbers and addresses to victims of domestic violence. This requirement of providing referral information should be included in the *Model Police Response to Domestic Violence* and should be highlighted in Police training.

37) Police should make an offer of victim crisis services to the victim or request victim service involvement, at each domestic violence occurrence. Where officers do not request victim service involvement, the officer should be required to cite, on the occurrence report, the

reason why this service was not requested. This expectation of an offer of service and documentation of why service was not requested should be outlined in the *Model Police Response to Domestic Violence*.

Risk Assessment and Duty to Warn

38) In the course of the investigation (which would include the completion of the *Risk Indicator Tool*) where a potential for harm to the victim or her children is indicated in the investigation the Police officer has a 'duty to warn'. This 'duty to warn' is to be defined in the *Model Police Response to Domestic Violence*.

39) The *Risk Indicator Tool* contained in the *Supplementary Police Report Form For Domestic Violence* should be incorporated in the *Model Police Response to Domestic Violence* and should be implemented by all Police services and the Ontario Provincial Police (OPP).

40) Where a more in-depth risk assessment is required (as determined by the preliminary *Risk Indicator Tool*), the Police should consult with the OPP Behavioural Sciences Unit or a similar municipal service with threat assessment expertise. We recommend that the Ministry of the Solicitor General ensure that access to these threat assessment consultation services exist for all municipal forces throughout the province.

41) The Ministry of the Solicitor General should assume a leadership role in domestic violence threat assessment in Ontario and implement strategies to develop local and regional expertise. This regionalized expertise in threat assessment will ensure that there are readily

accessible resources (including resources for consultation by Police officers) throughout the province.

42) We recommend that the Ministry of the Solicitor General, Policing Services Division, monitor, evaluate, and update the *Risk Indicator Tool* on an ongoing basis.

43) As part of the annual Inter-Sectoral Symposia on Domestic Violence (see recommendation #135, on page 101 of this report), sessions on risk assessment should be included to extend the expertise of domestic violence threat assessment to front line police officers.

44) After a Police officer has completed the *Risk Indicator Tool*, and if in the Police officer's opinion the situation is deemed "high risk", the officer should enter this information in SIP (Special Interest Police) category on CPIC. Police and court officers should enter all relevant information on domestic violence cases on CPIC "within 24 hours". For those who cannot achieve this immediately (e.g. no on-site access to CPIC), the guidelines should indicate that they must put in place a plan to achieve this standard within a specified time frame (e.g. within the next 2 years).

45) The *Model Police Response to Domestic Violence* should outline a tiered response to domestic violence. Case response should be based on risk indicator and/or lethality criteria. Cases that meet the highest level of risk would receive enhanced support and follow-up.

46) The *Model Police Response to Domestic Violence* should instruct Police to collect evidence that minimizes the reliance on victim testimony. For example, Police should use the

following in their investigations: video taping statements of victims, audio cassette tapes of 911 calls, photographs of victim's injuries at the initial investigation and 48 hours after, and report on breaches of restraining orders.

- 47) In situations where a victim of domestic violence has sustained injuries, Police should have a "duty to transport" her to a hospital for documentation of the injuries (including photo taking). Appropriately trained medical personnel should be requested by Police to complete full and accurate documentation of all injuries, including concealed injuries.
- 48) The guidelines should contain a stronger, more directive approach to "dual arrests" (i.e. "Police officers are discouraged from making a dual arrest in domestic occurrence situations"). Policy and training should assist Police to identify self-defense injuries and encourage them to arrest the primary aggressor.
- 49) We recommend that there be a duty on the Police officers involved in a case (preferably the Officer in Charge of the case) to ensure that an officer with knowledge of the case attends for victim interviews with the Crown Attorney on domestic violence cases. This is particularly important given the high rate of victim recantation and the goal of vigorous enhanced prosecutions.
- 50) The *Model Police Response to Domestic Violence* should include clear and specific direction to Police on how to proceed on breach of restraining orders.

Children Exposed to Domestic Violence

51) Further to our recommendation #22 (on page 29), Section 4.20 of the "Children At Risk" section of the *Model Police Response to Domestic Violence* should include specific reference to children exposed to domestic violence. Suggested wording for the section:

The Police Services procedures should require the local Children's Aid Society to be contacted when children who are under the age of 16 may be at risk of physical or psychological abuse. Children may be abused physically in a direct manner or by accident by their presence in the middle of the situation.

If a Police officer has reasonable grounds to suspect that a child has been physically, sexually or emotionally abused by the person having charge of the child or by that person's failure to protect the child, or is at risk of such harm, the situation falls within the duty of persons who perform professional official duties to report to the CAS their suspicion that a child is in need of protection, and the formation on which this suspicion is based.

Children exposed to the violence are likely to be suffering a form of psychological or emotional abuse, with continued exposure increasing the degree of harmful effects on the emotional development of the child.

Witnessing violence may or may not fall within the definition of child abuse or a child being in need of protection under the Child and Family Services Act (i.e. the grounds for protection). Thus, in each case, Police officers need to make a judgement about whether the situation falls within their duty to report under the Child and Family Services Act (CDSA).

Where a Police officer judges the situation does not meet the grounds for protection under the CDSA, the officer should encourage the person having charge of the child to seek assistance for the child from an appropriate Violence Against Women counselling or children's mental health service, and provide the caregiver with the names of such services that are located in the community where the child resides or enlist the support of a Police victim crisis service to assist in the referral and to follow up with the child and parent after the occurrence.

Ensuring a Consistent Police Response Across Ontario

52) Clear and specific standards of practice should be specified throughout the *Model Police Response to Domestic Violence* guidelines, rather than the language that is included in the

draft (such as “adequate”, “where feasible” or “where available or practical”). Clear and specific standards (communicated directly in the Model Response) are more likely to ensure provincial consistency in Police response to domestic violence.

53) In rural, northern, remote and small communities, some of the guidelines contained in the *Model Police Response to Domestic Violence* may not be possible to fully implement. In these communities the guidelines should further define a reasonable and achievable best practice corresponding to the size of the community and the resources available. For example, the guidelines could include wording such as “in a community of this size, the best practice is....”

Exchange of Information and Community Coordination

54) The *Model Police Response to Domestic Violence* should instruct Police services to establish a domestic violence follow-up team (consisting of Police and community members) in all communities in consultation with the local community coordinating committee. This follow-up team should respond to the victim of a domestic violence occurrence within a 24-hour period (to provide her with information on services available to her, etc.) and develop written procedures for the team (including criteria for referral of cases to the team and referral by the team to the broader network of domestic violence services and other social service/community agencies).

55) To facilitate case coordination and ensure a seamless response to particular situations, the *Model Police Response to Domestic Violence* should describe the role of Police in

coordinating the exchange of information between Police services and other sectors on a “need to know” basis.

- 56) To ensure that victims are notified of all bail release conditions, as soon as possible, the *Model Police Response to Domestic Violence* should instruct Police to work with Victim/Witness Assistance Programme staff and the Crown Attorneys to fulfil this purpose.
- 57) The Ministry of the Solicitor General should engage in a consultation process on these guidelines involving Police stakeholders from rural, northern, and small communities, as well as other key domestic violence stakeholders.
- 58) To ensure that up-to-date information is shared throughout the criminal justice system, we recommend that all policing services within Ontario must have computer systems that are compatible with the Ontario government’s Integrated Justice System.

Police Accountability

- 59) Although complaint processes currently exist within Police services, we recommend that these processes be clearly defined and publicized in all Police detachments, Victim Witness Assistance Program offices, Crown Attorney offices and all court locations. When a complaint is received, it should be logged, resolutions recorded and communicated back to the person who filed the original complaint.
- 60) We recommend that the performance review process for Police services should consider including peer and client feedback (and input from colleagues from other sectors).

Recognizing Best Practices in the Police Service

61) The Ontario Association of Chiefs of Police should develop an annual award for best practices/innovations in the Police service for dealing with domestic violence.

Strategy 5:

ENSURE CONSISTENT ENFORCEMENT OF RESTRAINING ORDERS AND EXPLORE STRATEGIES TO IMPROVE THEIR EFFECTIVENESS.

“Restraining orders are not worth the paper they are written on, lawyers and women’s advocates say in the wake of a fatal Police shooting of a man who showed up at the home of his estranged wife’s father carrying a gun.” – lead sentence in article entitled “Restraining orders come under fire”, Page A – 11, by Lila Sarick and Jen Ross, The Globe and Mail, Wednesday May 12, 1999.

Studies have shown that abused women are at the greatest risk during the immediate period after a restraining order has been served on the perpetrator.²⁰

The quotes reflect the tragic irony inherent in our reliance on restraining orders. Although women are at greatest risk of further violence immediately following the service of a restraining order, restraining orders have not been effective at keeping women safe. Because restraining orders have traditionally not been enforced, they can actually increase a woman’s danger by giving her a false sense of security at a time when the danger to her is at a peak level.

In our consultations, we identified the following concerns as to why restraining orders are difficult to enforce.

- It is not uncommon for a number of issues to be incorporated into a single order. For example, an order can include issues related to custody, access, and property, in addition to a restraining order.
- Restraining orders often contain unclear or vague wording that can be subject to conflicting interpretations.
- Police often do not receive notice that a restraining order has been served. This information about the service of an order is significant when there is an allegation of a breach. Police have expressed reluctance to act on these allegations in the absence of confirmation that the order has, in fact, been served or that it is the most binding recent order.
- Although a directive was sent to all Chiefs of Police in 1994 related to entering orders on CPIC, this is not consistently followed.
- It is more difficult to enforce a restraining order when shared or joint custody is ordered.
- In some instances, there are contradictory or conflicting orders. For example, there may be non-communication conditions in a criminal court order and an access order from a family court proceeding.

In our consultations we learned that in order to obtain a restraining order, serious conduct which infringes on the safety and security of the applicant must exist. A threat or potential threat of serious harassment or violence is required before a judge will issue a restraining order infringing a person's freedom of action.

Currently, very few charges are laid for breaching a restraining order and the few that are charged are seldom prosecuted in Criminal Courts.

This list of concerns, by no means exhaustive, underlines the complexity of how best to ensure that restraining orders are effectively enforced. In our examination of restraining orders, we consulted with a variety of government staff, Crown Attorneys and other legal experts. This consultation led to the following recommendations. The premise of these recommendations is our belief that as a starting place it may be more prudent to find ways of improving the effectiveness of restraining orders by integrating new ideas into the existing system. However, alternative remedies, which fulfil the ultimate goal of keeping women and children safe, should also be examined.

Recommendations:

62) Pursuant to the *Family Law Act* and *Children's Law Reform Act*, a breach of a restraining order is a serious breach to the administration of justice and should be pursued through the Ontario Court of Justice (Criminal Division) and prosecuted by Crown Attorneys.

63) The Ministry of the Attorney General should establish a task group to determine:

- a) necessary changes in policy and practice to create a system's response where restraining orders are consistently and effectively enforced;
- b) if new civil legislation is required to better protect women from violence or abuse (as has been done in Saskatchewan, Alberta and Prince Edward Island); and
- c) the most effective process for sharing relevant information between family and criminal court.

Given the current limitations of restraining orders, in the interim, we make the following recommendations in hopes that these measures may improve their effectiveness.

- 64) We recommend that restraining orders become “stand-alone” orders and be separated from other issues, such as custody and access.
- 65) A standard restraining order should be developed by MAG containing clear wording that describes the conditions of that court order and that is more specific than “annoy, molest, or harass the applicant or children in the applicant’s custody”. For example, an order could include a definition of behaviours that constitute “annoying, molesting, or harassing”. The more specific the order, the easier it should be for Police to identify when a breach of that order has occurred.
- 66) Police should promptly respond to allegations of breaches of restraining orders.
- 67) Police should be trained to recognize a breach of a restraining order and given clearer direction on their ability to charge and on where to send the charge when a restraining order is breached. Police training should include a “critical path” related to enforcement of restraining orders and preparation of information for court (Crown Brief).
- 68) This “critical path” should also be provided to women’s advocacy groups and shelters, who in turn could provide this information to women including the consequences of when restraining orders are breached.

69) Police often do not receive notice that a restraining order has been served. To ensure notification of service of a restraining order, all restraining orders should be placed on CPIC. The Integrated Justice Project should ultimately be the mechanism for this information sharing.

70) We recommend that breaches of restraining orders must be prosecuted by the Crown Attorneys in Criminal Court to re-enforce to the public the necessity of complying with these orders. The seriousness of the breach and the risk enhancing nature of the behaviour, which constitutes the breach, must be vigorously prosecuted to result in court sanctions that reflect the seriousness of the breach.

71) Information on how to prosecute breaches of restraining orders should be included in training for Crowns.

Strategy 6:

REINFORCE CROWN ATTORNEY LEADERSHIP BY IMPLEMENTING CONSISTENT STANDARDS AND ENSURING ACCOUNTABILITY.

The Crown Attorney plays a pivotal role in the criminal justice system. As the representative of the state, the Crown Attorney determines whether to proceed with a charge, makes recommendations to the court related to bail, and organizes and presents the case against the accused. Crown Attorneys are significant decision-makers within the criminal justice system. As such, they need to be knowledgeable about the dynamics and impact of domestic violence, the importance of victims' safety, and risk indicators, particularly at the time of a bail hearing.

Crown Attorneys need both the training and time to manage these cases well, and must be accountable for their decision-making on these cases.

One of the most troubling aspects of the events leading up to the death of Arlene May was that no coordinated system was in place to note that she was at high risk and that her life was in danger. This shortcoming was accentuated by the fact that both Police and Crown Attorneys were responding to Randy Iles' criminal offenses in two distinct court jurisdictions, and the exchange of information between them was inadequate.

Bail Hearing

A paramount concern to the Crown throughout the proceeding and particularly at the bail hearing should be the safety of the victim. All evidence that would assist the court, such as expert evidence, should be brought forward. Crowns rely on investigating Police officers to include all relevant evidence in the Crown bail brief.

The onus to be prepared for the bail hearing is on the Crown, who must review the bail brief and be knowledgeable about the circumstances of each case. Through our consultations we learned that in some jurisdictions the staffing levels are such that Crowns do not have adequate time to prepare for bail hearings. This is particularly true in high-volume jurisdictions where Crowns may have upwards of 40 bail hearings on a given day. Crowns experience pressure from Justices of the Peace and defense counsel to proceed expeditiously with bail hearings. The impact of the Ministry of the Attorney General's decision to double the number of Assistant Crown Attorneys in the busiest bail courts will be determined over time.

Trial and Sentencing Hearings

We know that the chances of a successful prosecution of domestic violence cases decreases with the passage of time. Delays in proceedings may also increase the risk to the victim. It is for these reasons that courts must have a process to expedite the disposition of domestic violence cases.

Use of Experts In Proceedings

Understanding the context in which an incident of domestic violence occurs is fundamental to the just disposition of these cases. Expert witnesses are necessary in many circumstances to assist the Crown Attorney in case preparation and to inform the court of the unique dynamics of domestic violence cases.

Recommendations:

72) We recommend that there be a sufficient number of bail courts and Crown Attorneys for each of the 54 court catchment areas to ensure that the necessary resources are available to promote a thorough review and presentation of the case, based on the volume of cases per court.

73) Crown Attorneys should have adequate time to interview victims and witnesses, and to prepare for proceedings. We recommend that Crowns be supported to ensure that they receive at least one day each week for this purpose.

74) We recommend that there be a dedicated Police officer for every bail court to ensure completeness of bail briefs (i.e. outstanding charges, warrants, facts behind prior

convictions, etc.), to communicate with victims to ensure that she is informed of the date/time/location of the bail hearing and the outcome of that hearing.

75) The *Risk Indicator Tool* included in the *Supplementary Police Report Form for Domestic Violence* should become part of the Crown bail brief. We recommend that the Crown Attorney routinely, at all bail hearings related to domestic violence, tender information on risk to the court. We further recommend that the Crown must ensure that the *Risk Indicator Tool* is used throughout the proceedings (from the bail hearing through to the sentencing hearing). At the end of the proceeding, the Crown should forward the completed tool to the relevant correctional authority, where appropriate.

76) Further to recommendation #56, the Crown Attorneys' Office, in collaboration with Police and Victim/Witness Assistance Programme staff, should ensure that victims are notified of all bail release conditions, as soon as possible.

77) While we understand that it is very rare to call expert evidence on a bail hearing due to the difficulty in arranging for an expert to be available to participate on short notice (generally a maximum of 3 days), we recommend that Crowns should be encouraged to develop criteria for when and how to use domestic violence "experts" in all proceedings (bails, trials, and sentencing) with the intent of using experts more often, to more effectively prosecute domestic violence cases. This information should be provided in the *Crown Policy Manual*.

“Best Practice”

Two recent Canadian court rulings that acknowledge the benefit of expert testimony in domestic violence cases.

- In *R. v. D.S.F.* (1999), the Ontario Court of Appeal upheld the decision of a trial judge to allow Deborah Sinclair, an expert in the field of violence and abuse in intimate relationships, to offer “opinion evidence” during a domestic violence trial about the tendency of victims of domestic violence to remain in an intimate relationship after an incident of abuse, and to minimize or not disclose the extent of the abuse while continuing in the relationship.
- In *R. v. Lavallee* (1990), the Supreme Court of Canada held that the expert evidence of a psychiatrist describing “the battered wife syndrome” was admissible to assist the jury in evaluating a woman’s perception of imminent danger in the context of her plea of self-defence. “Expert evidence on the psychological effect of battering on wives and common law partners must, it seems to be, be both relevant and necessary in the context of the present case. How can the mental state of the appellant be appreciated without it? The average member of the public (or of the jury) can be forgiven for asking: Why would a woman put up with this kind of treatment? Why would she continue to live with such a man? How could she love a partner who beat her up to the point of requiring hospitalization? We would expect the woman to pack her bags and go. Where is her self-respect? Why does she not cut loose and make a new life for herself? Such is the reaction of the average person confronted with the so-called “battered wife syndrome”. We need help to understand it and help is available from trained professionals.” Madame Justice Wilson, reasoning for the majority of the Supreme Court of Canada on the admissibility of expert evidence about the “battered wife syndrome”.

Crown Policy Manual

The *Crown Policy Manual* (CPM) provides guidance and direction to Crown Attorneys to ensure that they meet their responsibilities as prosecutors. The manual contains policies that address a range of topics including disclosure issues, the use of informants, child abuse prosecutions, etc. Over the past year, a *Crown Policy Manual* Review Team has been working to update the manual so that each policy includes current expectations as to the appropriate exercise of Crown discretion.

We have provided specific feedback to the *Crown Policy Manual* Review Team. The following is a summary of this feedback.

Recommendations:

- 78) Further to recommendation #35, we recommend that the Joint Committee's definition of "domestic violence" be included in the *Crown Policy Manual* (CPM).
- 79) We recommend that the CPM provide instruction to Crown Attorneys to identify every domestic violence case to the court to enable "fast-tracking" or the expeditious disposition of these cases.
- 80) The CPM should set out specific criteria for the standardized Crown bail brief, including information on the history of violence in the victim's relationship with the accused and the information from the *Risk Indicator Tool*. There should be greater consistency in the information and evidence gathered by Police in all cases of domestic violence.
- 81) Crowns should obtain the input of and advise victims prior to staying, withdrawing or resolution of charges. We recommend that the *Crown Policy Manual* (CPM) include this direction and that the judiciary be notified of this Crown Policy.
- 82) The CPM should include a clear description of protocol between Crown and Victim/Witness Assistance Programmes (V/WAP) which we believe will legitimize the role of V/WAP and acknowledge their critical role in the justice system.

83) We recommend that the revised CPM have a clear implementation strategy for rollout and a regular review/update process.

CROWN ATTORNEY ACCOUNTABILITY

84) We recognize that a complaint process related to Crown practice exists. From our consultations it is clear that there is confusion about the role of the Crown. We recommend that the role of the Crown Attorney including the process for members of the public to initiate complaints about Crowns be clearly defined and publicized in all Crown and Victim/Witness Assistance Programme offices and court locations. The Crowns should develop a standardized complaints process that includes communicating back to the person who filed the complaint.

85) We recommend that the performance review process for Crown Attorneys be enhanced to include peer feedback, and input from justice partners.

Strategy 7:

INTRODUCE SPECIALIZED COURT RESPONSES FOR PROSECUTING ALL DOMESTIC VIOLENCE CASES IN THE PROVINCE.

Current Situation

Since 1996 the provincial government has established 8 specialized Domestic Violence Courts (DVCs). Four of the 8 courts utilize the “North York Model” or Early Intervention Model, for first-time offenders who:

- a) have not caused significant harm to their victims
- b) have not used a weapon

- c) plead guilty
- d) agree to complete a 16-week PAR program prior to sentencing.

The remaining four DVCs use the Enhanced Prosecution Model or the "K-Court Model" where a dedicated team of specially trained Police, Crown Attorneys and Victim/Witness Assistance Programme (V/WAP) staff work together to provide victims with more support and information, and prosecute domestic violence cases more effectively.

In the Spring 1999 budget, the provincial government announced that the DVCs would be expanded to an additional 8 sites. In support of the May/Iles Jury recommendations a new "blended" model is being developed and will be introduced in these new sites, incorporating early intervention and treatment for first time offenders with vigorous prosecution and increased offender accountability. The model also includes early and effective victim support. The existing eight courts will be enhanced to operate on this new blended model as well.

On July 9, 1999, the Woman Abuse Council of Toronto released the results of its *Women's Court Watch Project*, an initiative to monitor judges' decisions and outcomes in domestic violence cases and to compare the effectiveness of the two specialized DVC courts to non-specialized courts. The findings of the Court Watch Project indicate that the specialized courts:

- are more able to successfully prosecute domestic violence cases;
- have lower rates of withdrawals, dismissals, and peace bonds;
- have higher rates of guilty verdicts; and
- have higher rates of victims attending court.

The report highlights that the success of these initiatives is largely due to coordination among Police, Victim/Witness Assistance Programme, Crown Attorneys, batterers' program, probation, and community agencies.

As the May/iles jury identified, specialized DVCs are feasible only in larger communities. The government, in collaboration with community agencies, is working to create specialized court processes which consider the specific needs of a community, including size, demographic make-up and characteristics of each jurisdiction.

One initiative to address the needs of culturally diverse populations within the criminal justice system is the government's introduction of the *Cultural Interpreter Program*, which provides interpretive services to victims in a variety of settings, including at various stages in the criminal justice process. Cultural interpreters can provide Police officers with culturally-specific information to assist in their investigation and can assist victims to testify in court. In addition, cultural interpreters may assist Police officers, service providers, and justice officials to gain an understanding of the cultural issues that may impact victims from different cultures.

Recommendations:

86) We recommend that each of the 54 court catchment areas in Ontario have a specialized court or a specialized court process related to domestic violence. The core components of this specialized response include:

- dedicated, specially trained Crown Attorneys;
- dedicated, specially trained Victim/Witness Assistance Programme personnel;

- dedicated, specially trained Police;
- a process to identify and track all domestic violence cases through the criminal and family courts;
- enhanced Police investigation, which minimizes the reliance on the victim (e.g. 911 tapes, videotapes, photographs of the victim at the scene and 48 hours later, etc.);
- consistent use of risk assessment and an enhanced response where high risk situations are identified;
- use of standardized forms by all sectors of the system;
- inter-sectoral communication and information-sharing (subject to FOI/privacy issues), mutual accountability and cross-sectoral problem-solving, through agreed upon accountability mechanisms;
- enforcement of restraining orders;
- trained cultural interpreters available for victims;
- batterers' programs with clearly monitored standards and guidelines; and
- domestic violence designated services attached to a local hospital or health care centre which includes documentation of injuries for use as medical forensic evidence in courts, safety planning for victims of violence and referrals to shelters, counselling programs, and other community-based agencies.

87) We recommend that supervised access programs be available in each of the 54 court catchment areas in Ontario to protect women and their children in family law proceedings where domestic violence is present. These government-funded services provide neutral

locations for drop off and pick up of children during access visits, and supervision for visits between the offender and his children.

- 88) We recommend that there be increasing consequences for offenders who commit further offenses, and that there be consistent enforcement of court orders. *Failure to comply* with court order charges related to domestic violence cases should come to the specialized domestic violence courts and be dealt with expeditiously.
- 89) Effective state intervention is required to ensure victim safety and hold perpetrators accountable for their behaviour. This intervention should include a timely response from the justice system. All courts should have a process in place to ensure that domestic violence cases are identified and receive early court dates for disposition. We recommend that judicial officers (i.e. judges and justices of the peace) “fast track” or expedite all domestic violence matters.
- 90) To this end, we recommend that Crown Attorneys identify to the court every domestic violence case to enable the expeditious disposition of these cases and data collection.

Bail Procedures in Specialized Domestic Violence Courts/Court Processes

- 91) We recommend that the Crown bail brief include information from the victim’s perspective on what she needs to be safe.

92) To ensure that conditions of bail orders are recorded accurately, we recommend that as a best practice, judges and justices of the peace request that court clerks read back the conditions of their orders, particularly with respect to bail orders. We also recommend that judges and justices of the peace review and sign all bail, probation and conditional sentence orders to ensure their accuracy. All courts in the Province should use standardized court documents to ensure consistency in the language of court orders.

A Framework for Specialized Court Responses in Different Sized Communities

93) To capture the differences in the method of delivery of the essential court services in different sized communities, we are recommending that a framework for specialized court responses in communities of different size be implemented across Ontario. This framework includes court-related services in large urban centres; medium-sized centres; and northern, remote and/or rural communities, and is defined as follows.

- In large urban centres we recommend a full, specialized domestic violence court, which includes the core components identified previously in this section.
- In medium-sized communities we recommend a part-time domestic violence court, which includes the core components identified.
- In northern, remote and/or rural communities, which lack the population density to warrant a specialized domestic violence court, we recommend that the community coordinating committee develop specialized domestic violence processes, which address the core components of the specialized court outlined previously in this section. Designed by the community to fit geographic, cultural and local concerns, these processes will accomplish the same objectives as the

domestic violence courts. We recommend that transportation be identified as an additional essential service in these communities.

Victim Support Through the Criminal Justice Process

The Victim/Witness Assistance Programme (V/WAP), available in 26 sites across Ontario, is designed to provide information on the court process (in general) and on the individual case, safety planning, community referrals, advocacy and emotional support to victims of crime. In 1998/99, 58% of clients involving the victim service were victims of domestic violence. The staff of V/WAP act as advocates for the victim and liaise between the victim and other agencies involved in the criminal justice process. As well, the staff of these programs facilitates the development of interagency protocols and coordination with community agencies and government representatives.

Recommendations:

- 94) We recommend that the Victim/Witness Assistance Programme be expanded to each of the 54 court catchment areas in Ontario.
- 95) To ensure a seamless response, it is critical that both victim crisis services and V/WAP are well coordinated. In many places these service providers work well and closely together. In those places where this coordination is not happening, we recommend that coordination between the two programs be made a priority. To assist in this process, we further recommend that the V/WAP Manager and the VCARS Manager work together to develop a list of best practices related to service coordination to share among program staff.

Strategy 8:

AMEND LEGISLATION TO RECOGNIZE THE EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN

Family Law Changes - Children's Law Reform Act

Although much of this report focuses on issues related to Police, crowns and courts in criminal proceedings, domestic violence is often a central issue in family law proceedings. The inquest jury heard considerable evidence about Randy Iles' violence in previous intimate relationships. Aside from physical abuse directed at these women, Randy Iles also threatened to abduct the children. This level of violence, which would raise serious questions about the safety of his children, did not sway him from engaging his partners in family law proceedings. Randy Iles' conduct demonstrates the overlap that is often found between criminal and family law proceedings.

Often men who are abusive do not end their domination over their families once separation has occurred. Abusers may use threats to seek custody as a means of perpetuating control over their former partner. A recent Ontario study involved focus groups with 52 women who were both victims of domestic violence and engaged in custody and access proceedings. The average length of time to resolve the custody and access dispute was 3.5 years. Some of the women in the study spent in excess of 6.5 years trying to resolve the custody and access dispute. Lengthy and costly litigation, fear of abduction, harassment, intimidation and violence during transfers, and facing the real possibility of losing custody, are all issues which may plague battered women during a time in which they anticipated being free from abuse.²¹

Research also suggests that the power and control issues that underlie domestic violence may become worse during child custody disputes. Men who are abusive are twice as likely to apply

for custody and equally likely to convince the court as non-violent fathers.²² As well, there also is some indication that children may be at risk of witnessing further violence when they visit an abusive parent. For example, the Nova Scotia Law Reform Commission found that as many as 25% of batterers who have visiting rights to children use this time as an opportunity to assault or threaten their ex-partners.²³

In general, divorce results in a great deal of disruption in children's lives. Research shows that, at least in the short-term, these disruptions often have a negative impact on children.²⁴ Children whose mothers are leaving violent relationships, are often faced with considerably more disruptions. In many cases women must leave secretly and quickly, often leaving behind personal possessions such as clothing and affects of sentimental value. Children may find themselves moving several times as their mother attempts to find stable, affordable housing, permanent employment or perhaps, to avoid harassment from the perpetrator. Often women leave abusive relationships with few financial or social support resources. Because the perpetrator has often controlled the family finances, women leave the relationship with little or no money. The financial hardships continue as they juggle finding housing, employment and childcare, while attempting to manage their children's and their own reactions to the emotional stress of separation.²⁵

Because of this overlap between child custody disputes and domestic violence, we (and the May/Iles Jury) have focused on the *Children's Law Reform Act*, since this legislation guides judges on how to deal with parents and children at the point of separation. The recommendations that follow are directed at amending the legislation to clearly direct judges and lawyers to consider the harmful impact of domestic violence on victims and their children.

Decisions by the court regarding custody and access must include sufficient consideration of whether there is a history of domestic violence. Traditionally this has not been the case. If domestic violence is disclosed, it is not uncommon for the court to consider this disclosure as irrelevant to decisions about custody and access.²⁶ In these situations, violent behaviour is often seen as separate from the person's ability to parent.

We are recommending that the *Children's Law Reform Act* be amended to ensure that children who are exposed to domestic violence are protected in custody and access decisions. The recommendations that follow outline 3 major areas of change to the current legislation. The legislation should be amended to include:

- a definition of domestic violence which includes exposure to that violence;
- exposure to domestic violence be considered in the "best interests" test; and
- conditions of access that ensures adequate provisions for the safety of children, the victim, or other family/household members.

Recommendations

96) We acknowledge that legislative reform which addresses domestic violence in the family law context has taken place in many other jurisdictions and note, in particular, the following sources:

- Newfoundland's *Children's Law Act*
- Australia's *Family Law Act*
- New Zealand's *Domestic Violence Act*
- New Zealand's *Guardianship Act*
- The National Council of Juvenile and Family Court Judges' Model State Code (USA)

We recommend that the Government of Ontario consult with these jurisdictions for the purpose of incorporating “best practices” into Ontario family law legislation.

We recognize that we did not have the time to conduct the extensive review and analysis required in this important area of change. Therefore, we recommend that the Ministry of the Attorney General form a committee to critically examine and refine the following proposed areas for family law legislative reform.

- 97) On page 45 of this Report, we have recommended a definition of domestic violence in the criminal law context.

In addition, we believe that Ontario family law legislation should provide guidance as to the types of abuse, which constitute an act or acts of domestic violence. We understand that psychological abuse is not a crime under the Criminal Code of Canada. However, we also understand that, in family court proceedings, psychological abuse is relevant. As such, this Committee recommends the inclusion of psychological abuse in the definition of domestic violence in the family law context.

We recommend that the *Children’s Law Reform Act* be amended to include a definition of domestic violence. This definition should make clear that domestic violence includes:

- abuse perpetrated against any person, by any other person, with whom that person is, or has been in an intimate relationship.
- physical abuse
- sexual abuse
- psychological abuse, including, but not limited to,
 - intimidation

- harassment
- damage to property
- threats of physical abuse, sexual abuse, or psychological abuse;
- a single act of abuse or a number of acts, which may appear minor or trivial when viewed in isolation, but collectively, form a pattern that amounts to abuse.

98) We recommend that section 24 of the *Children's Law Reform Act* be amended to define "exposure" to domestic violence. Children are exposed to domestic violence when the perpetrator of the act or acts of domestic violence, causes or allows the child to see or hear the physical, sexual or psychological abuse of a person with whom the child has a domestic relationship or allows the child to be at real risk of seeing or hearing that abuse is occurring, and its aftermath including the physical and psychological impact on the child's parent.

99) We believe that violence against children and the effects of witnessing and being exposed to domestic violence on children should be considered in the determination of "the best interests of the child" pursuant to section 24 of the *Children's Law Reform Act*.

We recommend that the *Children's Law Reform Act* be amended to incorporate "the physical safety and psychological well-being of the child who is the victim or has been exposed to the impact of domestic violence" as a consideration in the "best interests" test.

100) We assert that the commission of an act or acts of domestic violence is relevant to a person's ability to act as a parent. Courts should consider a perpetrator's history of causing

physical harm, sexual harm, psychological harm or causing reasonable fear of physical harm, sexual harm, psychological harm to another person.

We recommend that the *Children's Law Reform Act* be amended to make clear that the commission of an act or acts of domestic violence are relevant to a person's ability to parent.

101) We recommend that the *Children's Law Reform Act* be amended to include a rebuttable presumption that it is detrimental to a child and not in the best interests of a child to be placed in the custody (joint or sole) of a perpetrator of domestic violence.

102) We recognize that access should not be granted to a perpetrator of domestic violence unless the safety of the child, the victim of domestic violence and other family or household members is adequately provided for.

We recommend that the *Children's Law Reform Act* be amended to provide that, where access is awarded to a person who has committed an act or acts of domestic violence, adequate provisions for the safety of the child, the victim of domestic violence, or other family or household members must be included in the order. Conditions of access that may be ordered include:

- exchange of a child to occur in a protected setting;
- supervised access by a neutral third party;
- the perpetrator of domestic violence to pay costs of supervised access;

- the perpetrator of domestic violence to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or other designated counselling as a condition of access;
- the perpetrator of domestic violence to abstain from possession or consumption of alcohol or controlled substances during access and for 24 hours preceding access;
- prohibition of overnight visits; and
- imposition of any other condition necessary to provide for the safety of the child, the victim of domestic violence, or other family or household members.

103) We believe that a finding that domestic violence has occurred since the last custody/access determination constitutes a material change in circumstances. This material change in circumstances affects the best interests of the child.

We recommend that the *Children's Law Reform Act* be amended to make clear that an act or acts of domestic violence, subsequent to a custody/access order, constitutes a material change in circumstances that affects the best interests of the child.

104) We recognize that too often circumstances exist wherein custody/access orders are at odds with civil restraining orders as well as criminal court convictions, dispositions, and orders that address domestic violence.

We recommend that the *Children's Law Reform Act* be amended to create a definition of "domestic violence orders". This definition should include civil orders pursuant to section 35 of the *Children Law Reform Act* and section 46 of the *Family Law Act* as well as

criminal court convictions, dispositions and orders, including an order pursuant to section 810 of the *Criminal Code*.

105) We recommend that the *Children's Law Reform Act* be amended to obligate parties to a custody/access proceeding, who are aware that a domestic violence order applies to the child, or a member of the child's family, to inform the court of the domestic violence order.

We recommend that the *Children's Law Reform Act* be amended to permit persons who are not parties to a custody/access proceeding, and are aware that a domestic violence order applies to the child, or a member of the child's family, to inform the court of the domestic violence order.

106) We recommend that the *Children's Law Reform Act* be amended to provide that, where it is alleged that a party to the proceedings has perpetrated domestic violence against the child or a child of the family or against the other party to the proceedings, the standard of proof required by the Court to determine if the allegation is proved be on *the balance of probabilities* (not beyond a reasonable doubt). Further, in the interests of the children and all parties concerned, this determination must occur as soon as practicable.

107) We acknowledge that upon a custody/access application, the court, at the request of the parties, may appoint a mediator to resolve specified issues. We recommend that the *Children's Law Reform Act* be amended to include provisions that:

- require mediators to screen for domestic violence;
- give direction as to whether mediation should proceed when domestic violence is alleged; and
- outline the conditions under which mediation may proceed.

These amendments should be developed in consultation with the Ontario Association of Family Mediators who are in the process of developing guidelines in collaboration with women's advocates, on mediation in situations of domestic violence.

108) We recognize that both Federal and Provincial governments share jurisdiction over family law matters. We recommend that in the interest of Ontario families there should be a co-ordinated approach to family law issues.

We recognize that the *Report of the Special Joint Committee on Child Custody and Access* is under review and recommend that consultation must take place between Ontario and the Federal government to ensure consistency in all family court proceedings pursuant to the *Divorce Act* and the *Children's Law Reform Act*.

Child and Family Services Act

We recognize the importance of legislative reform to combat domestic violence in Ontario. Further, we acknowledge that the Government of Ontario passed the *Child and Family Services Amendment Act (Child Welfare Reform) 1999*, on May 3, 1999. Once proclaimed the amendments should allow Children's Aid Societies to intervene earlier to protect children suffering, or at risk of suffering, emotional harm. We believe that these amendments do provide stronger tools for professionals, front-line workers and the courts to ensure that children are protected from abuse and neglect. However, within the amended legislation, exposure to domestic violence may or may not fall within the definition of child abuse or a child being found in need of protection.

Recommendation:

109) We recommend that the Government of Ontario, in its 5 year review of *Child and Family Service Act*, proceed to enact the outstanding recommendation of the Panel that exposure to family violence be included as a separate ground for a protection finding.

ACHIEVING SEAMLESSNESS

The concept of “seamlessness” was central to the 213 recommendations of the May/Tiles Jury. In their report they noted:

“A patchwork of victim services have been formed throughout Ontario due to a lack of communication, co-operation and co-ordination. In order to provide a seamless program, it would be best if the private and public sectors worked not as competing interests, but together as partners. Their joint efforts would better co-ordinate all financial and human resources in the common goal of stopping domestic violence, which is at epidemic proportions.”

In our work, we grappled with what seamlessness actually meant and how this key concept translated into the way services are developed and implemented. We have looked at how existing systems respond to domestic violence and the role of the government in supporting these systems. Government programs and initiatives are often developed in response to specific issues or to the needs of constituents and communities. As we reviewed the Jury’s recommendations and provided ongoing advice to the government on specific initiatives, we were aware that each of these individual initiatives must be coordinated and integrated into a unified plan, and that each sector of the response system must work in concert with the others. The idea of a unified plan means that coordination between initiatives and sectors must occur at the local, community, and provincial level. In order for this to occur there must be leadership, commitment, and appropriate resources.

In previous sections of this report we have provided information on current government initiatives which address the issue of seamlessness. For example, the government’s Integrated Justice Project is one key initiative which moves us closer to a seamless response. In this section of our report we provide descriptions of 6 critical strategies to achieve seamless. These

strategies integrate current government initiatives with new mechanisms designed to bring us closer to the goal of a seamless, coordinated system. We believe that in the long term it is a unified, coordinated system that will ultimately end domestic violence.

Strategy 9:

IMPLEMENT STANDARDIZED RISK ASSESSMENT AND SAFETY PLANNING TOOLS ACROSS THE SYSTEM IN ONTARIO.

Risk Assessment

Arlene May was at great risk of being killed by Randy Iles. She knew it. She had shared her concerns about this risk with the Police. Since Arlene May was killed by Randy Iles in March, 1996 many more women in Ontario have been killed by their intimate partners.

There is now a considerable body of research that links certain types of behaviours or 'indicators' with an increased risk of violence. The increasing number of domestic violence cases that are being processed by the criminal justice system and the number of cases that result in the murder of a woman by her partner, have created an urgency to accurately assess the level of threat or risk to a woman's safety.

"Awareness and understanding of risk assessment factors is vital not only for Police, Crowns, judicial officers, probation/parole officers and corrections officials, but also for victims or potential victims. Often when risk assessment questionnaires are being completed by domestic violence victims, it is their first true realization that they are being victimized by their partners. Awareness and understanding of domestic violence risk assessment factors will assist the victims and Police in determining the manner and extent of intervention required. An assessment of existing risk factors and development of safety strategies for the victim(s) is essential in domestic violence cases." Inspector Kate Lines, Manager of the OPP Behavioural Sciences Unit.

As we identified in our description of Strategy 4 (Police response), the provincial government is responding to the need for comprehensive and consistent risk assessment through their introduction of a *Supplementary Police Report Form For Domestic Violence* that incorporates a *Risk Indicator Tool* to be used by front-line Police officers. In that section of the report, we outlined a number of recommendations that relate specifically to the role of Police in risk assessment and their “duty to warn” in situations where women are at high risk (see recommendations 38 – 45). The risk indicators help Police officers and others involved in responding to domestic violence to think through the dynamic elements of a particular case, and compare it to known cases that resulted in serious injury or death. The risk indicators remind all those involved to do a thorough investigation and analysis of the significant elements of a case.

The risk indicators will not predict behaviour of any given individual. The single best predictor of future violent behaviour continues to be past violence, and we cannot, in any absolute sense, predict lethality or serious injury. The best we can do is to evaluate comparative risk, and attempt to safeguard against identified dangers.

The following summarizes our additional recommendations related to the use of standardized risk assessment by various sectors of the response system.

Recommendations:

Risk Assessment by Police and Community Service Providers

110) As outlined in previous recommendations, a standardized *Risk Indicator Tool* should be implemented by Police services across Ontario, and used by all Police officers responding to

domestic violence occurrences. This tool will assist Police to: determine if a more in-depth risk assessment should be conducted; prompt a warning to the victim of the potential for future violence; assist the victim with safety planning; and present relevant evidence required for bail determinations and other proceedings.

We further recommend that the questions contained on the *Risk Indicator Tool* and the steps of a thorough Police investigation on domestic violence, be contained on a 'wallet-sized' laminated card that officers can carry with them at all times. This card will provide Police with a reminder of the components of an effective investigation in domestic violence occurrences and a prompt for using the *Risk Indicator Tool*.

111) We also recommend in those situations where the results of the *Risk Indicator Tool* suggest that a more in-depth threat assessment be conducted, that the Police utilize a standardized *risk assessment form* for this purpose. As outlined in recommendation 40, Police should have access to threat assessment consultation to assist with the completion of this more in-depth risk assessment.

112) We recommend that in addition to Police, this more in-depth, standardized risk assessment form should also be utilized across the various domestic violence response sectors. This would include use of the form by professionals who have contact with the victim and/or offender, are in a position to evaluate the degree of risk, and who have been adequately trained in how to use this form, including Victim/Witness Assistance Programme staff, probation and parole officers, women's advocates and shelter service providers and mental health practitioners.

Risk Assessment by Probation/Parole, and Correction's Staff

113) We recommend that this more in-depth, standardized risk assessment form be incorporated in the standardized Crown bail brief to provide Crown Attorneys with more specific and specialized information on the degree of threat to the victim. This more in-depth information is to be used by Crown Attorneys to make recommendations to the court related to bail, and ultimately sentencing.

114) To ensure that a more seamless response occurs, we recommend that the *Risk Indicator Tool* and the more in-depth risk assessment form become a standardized component of a probation officer's court ordered pre-sentence report, which will highlight sentencing considerations for the court.

115) In previous recommendations, we have outlined ways to tender risk assessment information before the court to assist judicial officers with decisions regarding bail and sentencing. We further recommend that once the standardized *Risk Indicator Tool* and the more in-depth risk assessment form are implemented across Ontario, that the criminal justice system incorporate and implement a *Victim's Statement of Risk* form (See Appendix B for a sample of this form. The rationale and sourcing for the questions is available from the OPP Behavioural Sciences Unit.)²⁷. The purpose of this form is to ensure that information on risk assessment has increased evidentiary value in domestic violence proceedings.

To this end, we recommend that Police obtain the victim's statement and complete the *Victim's Statement of Risk* form. This form could then be filed with the court by the Crown Attorney.

Best Practice

The Crown Attorney's office in Huron County in Ontario is currently using the *Assessing Dangerousness in Domestic Violence Cases* form to ensure that information on risk assessment has evidentiary value in domestic violence proceedings.

- 116) At the time that convicted offenders are first incarcerated we recommend that the more in-depth, standardized risk assessment form also be used by corrections staff to develop case supervision and rehabilitation plans, and to determine suitability or set conditions for conjugal visits, family visits, and temporary absences.
- 117) Risk assessments can also be used effectively at the time of discharge from correctional facilities. As P. Randall Kropp noted in a manual on spousal assault²⁸, "risk assessments prior to discharge can help corrections officials or parole boards determine suitability or set conditions for conditional release, as well as assisting in the development of a post-release treatment or management plan." We recommend that the more in-depth risk assessment form be utilized by correctional staff to develop case supervision plans for the offender's release. As part of this process for pre-release planning and to ensure that the victim's safety remain paramount, we suggest that correctional staff consult with the victim prior to finalizing these plans.

118) We recommend that the *Risk Indicator Tool* (contained on the *Supplementary Police Report Form For Domestic Violence*), the in-depth risk assessment form, and the *Victims' Statement of Risk* form be incorporated into the Integrated Justice Project system.

119) The value of effective risk assessment also carries over into proceedings in the civil justice system. The use of risk assessment information can be critical in separation/divorce hearings and decisions related to custody and access. This is particularly important in light of the fact that many separations are precipitated by domestic violence and that estrangement increases the risk for repeated and even escalated violence.²⁹ To this end, we recommend that family law lawyers explore the feasibility of integrating the more in-depth risk assessment form and the *Victim's Statement of Risk* in family law matters where domestic violence has been identified.

Ongoing Evaluation and Updates of Risk Assessment Tools

As outlined above, it is our belief that in all domestic violence cases it is critically important to assess the future risk of violence to the victim and her children. As our knowledge and expertise in domestic violence response and threat assessment evolves over time, tools used to assess risk will undoubtedly require refinement.

Recommendation:

120) Further to recommendation 42, pertaining to the role of the Ministry of the Solicitor General in updating the *Risk Indicator Tool*, we recommend that the Ministries of the Attorney General, Correctional Services, and the Solicitor General, in collaboration with

the Behavioural Sciences Unit of the OPP, annually convene a threat assessment task group to provide ongoing evaluation, monitoring and updating of the *Risk Indicator Tool* (contained on the *Supplementary Police Report Form For Domestic Violence*), the in-depth risk assessment form, and the *Victims' Statement of Risk*. Updates and refinements of these tools should be implemented across systems, throughout Ontario, by the mechanisms and processes outlined above.

Safety Planning for Women and Children at Risk of Domestic Violence

Safety plans are designed to assist women and children to develop strategies to promote their safety in relationships that are abusive. In the process of developing a personal safety plan, women and children are assisted to consider strategies which advance their safety in various settings (e.g. during a violent incident, in the home, at her place of employment, etc.). By developing a personal safety plan, the woman and her children will develop strategies to meet their unique circumstances and needs.

The duty to report that a child is or may be in need of protection under the *Child and Family Services Act* continues to apply whether or not a safety plan is developed. Under the Act, all persons who believe on reasonable grounds that a child is or may be in need of protection must report the belief and the information on which it is based to a Children's Aid Society forthwith. Professionals have an additional duty to report where there are reasonable grounds to suspect abuse.

Recommendations:

- 121) We believe that every victim of domestic violence requires a safety plan to protect her and her children. We recommend that a standardized safety planning tool be used by all sectors of the response system, throughout Ontario. To this end, we propose that the *Personal Safety Plan* be utilized for this purpose. See Appendix C for this *Personal Safety Plan*. A sample *Safety Plan for Children* is included as Appendix D.
- 122) Safety Planning with women and children should become a core service expectation for Police, Victim/Witness Assistance Programme staff, victim crisis service providers, shelter staff, health practitioners, and all other service providers who work with abused women and their children. Staff of the various sectors should be appropriately trained and adequately supported to fulfil this function.
- 123) It is imperative that Police use resources available in the community to assist a woman to develop a safety plan (e.g. victim crisis service providers, V/WAP, shelter staff, etc.)
- 124) Personal safety planning documents should be available in all court locations in Ontario.

Health Professionals' "Duty to Warn":

As discussed under our first strategy related to access to essential services, the health sector plays a pivotal role in the domestic violence response. While many women who have experienced domestic violence will not come to the attention of Police or the criminal justice system, it is more likely that a health care practitioner will have the opportunity to intervene in these

situations. As identified in our recommendations on risk assessment and safety planning, health care practitioners have an obligation to ensure that a woman's safety is addressed in their interactions with victims and perpetrators of domestic violence.

We support the work of the College of Physicians and Surgeons of Ontario (CPSO) in their development of a new standard of practice, that where a physician forms the opinion, based on clinical judgement and all the facts available, that threats of serious violence or death made by a patient are more likely than not to be carried out, the doctor has an obligation to notify the Police, or, in appropriate circumstances, the intended victim of the danger. We understand that the standard has been communicated to the profession and as of fall 1998, CPSO considers this to be the standard of practice.

Recommendations:

125) Further to our recommendations related to the implementation of standardized risk assessment and safety planning across sectors throughout Ontario, we recommend that when domestic violence is identified, all regulated health and mental health professionals (including psychiatrists, psychologists and social workers) be appropriately trained and adequately supported to assess the risk of the woman's situation, through the use of the more-in-depth risk assessment form. Where serious risk is identified, we recommend that the health care practitioner be obligated to report to Police, and in appropriate circumstances to warn the intended victim of the risk she faces.

126) We recommend that a special bulletin be issued by the CPSO to the profession, highlighting domestic violence and identifying the role of health professionals in risk

assessment, forming opinions about danger under the new standard, and their “duty to report and to warn”.

Strategy 10:
ESTABLISH DOMESTIC VIOLENCE COORDINATING COMMITTEE IN EVERY COURT JURISDICTION.

Purpose of a Community Coordinating Committee

Given the complexity of domestic violence it is unrealistic and naive to assume that the solution rests with a single sector or organization. As we identified in our discussion about seamlessness, individual initiatives must be coordinated and integrated into a unified plan, and each sector of the response system must work in concert with the others. The primary purpose of a *community coordinating committee* is to facilitate a coordinated, effective approach to responding to domestic violence within a particular community. The work of a coordinating committee will include identifying gaps and problems in their community's response to domestic violence, monitoring intervention programs by community service providers and the various response sectors, developing and implementing policies, procedures, and protocols (including direction on collaboration, information sharing, etc.), and participating in or coordinating public education activities related to domestic violence. In order to fulfil this mandate, existing community coordinating committees now often review and analyze their community's response to specific cases of domestic violence, and use this analysis as the basis for improving their intervention in these situations.

Recommendations:

127) We recommend that at minimum, each of the 54 court jurisdiction or court catchment areas establish and fully implement a community coordinating committee to respond to domestic violence. We recognize that in some court jurisdictions more than one coordinating committee exists and that these community coordinating committees work collaboratively to address the needs within their larger court jurisdiction. For example, in Toronto, the Woman Abuse Council supports and facilitates the work of 5 local community coordinating committees. In the York region, the Newmarket court jurisdiction includes two separate community coordinating committees.

128) In the “communities” or court jurisdictions where no community coordinating committee exists, we recommend that the Crown Attorney, local shelter, and/or other women’s community agency jointly assume responsibility to convene the first meeting of relevant stakeholders.

129) Each of the community coordinating committees within the 54 court jurisdictions should include the following members:

- Police
- Victim crisis services/emergency response
- Crown Attorney
- Victim/Witness Assistance Programme
- Probation and Parole
- Community-based support/advocacy agencies
- Community-based counselling agencies
- Shelters
- Male batterers’ programs (Partner Assault Response programs)
- Children’s Aid Society
- Health professionals (including hospitals/clinics)

As well, we recommend that the following additional professionals be invited to attend specific meetings of the coordinating committee on an “as required” basis:

- Judges
- Duty counsel
- Defense counsel
- Cultural interpreters
- Regional coroners

130) To ensure full participation, we recommend that the capacity of shelters and woman abuse agencies be supported to participate in the community coordinating committee. We recognize that funding may be required in some jurisdictions to support this development process and to establish protocols.

Judicial Participation on Coordinating Committees

131) As a legally trained person, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice. Consistent with the requirements of the Code of Ethics which governs judicial activity, judges should be encouraged, when appropriate, to participate on community coordinating committees. Their participation will ensure that systems and services are in place to provide the court with the information and resources required to make effective decisions for both victims and perpetrators.

The Need for Agency, Community and Provincial Assessment

One of the functions of the community coordinating committee is the evaluation of the community’s progress toward developing a seamless response to domestic violence. One of the key challenges to making substantive improvements in the domestic violence response system

has been the difficulty in determining what domestic violence initiatives exist in any one community and the extent to which inter-sectoral domestic violence response policies and protocols exist and are being implemented. In the absence of this information, meaningful dialogue, coordination and change are not possible.

As well, it is imperative that feedback from women and children who have experienced domestic violence be considered in the assessment of how successful and effective our current response is and to inform future directions for intervention. The *Performance Management Framework* funded by the Ontario's Women's Directorate will provide one source for survivor input. This initiative involves 10 government ministries that fund services for women who have experienced abuse. When fully implemented it will enable service providers and the government to monitor the extent to which client and service system outcomes are being achieved through the use of government funds. The essential services to be monitored through the system include emergency shelters, rape crisis centres, counselling programs, sexual assault treatment centres, and counselling programs for male batterers (Partner Assault Response Programs).

Recommendation:

132) The Ontario Women's Directorate *Performance Management Framework* provides an accountability mechanism which, when fully implemented will enable service providers and the government to monitor the extent to which client and service system outcomes are being achieved, through the use of government funds. We recommend that at the point that the *Performance Management Framework* questionnaire is being reviewed (one year after

implementation), that questions specifically related to service outcomes for children who are exposed to domestic violence be added. We further recommend that the government support the continued maintenance and expansion of the framework system to incorporate all relevant ministries and their violence against women prevention initiatives, for full implementation across government and the domestic violence response system.

The Community Report Card

The concept of a “report card” is widely accepted in other areas such as health, education, and child care. We have integrated this concept into the field of domestic violence response and have initiated the development of a report card which will assist individual agencies and services, and coordinating committees, to assess and document what is working well and to identify where improvements are required. The *Community Report Card* provides individual agencies and services and the community, with a vehicle for self-assessment and development in their work toward a seamless response to domestic violence and ultimately toward ending violence against women.

Within the community report card, we have identified the key elements of a coordinated and accountable response. The process for completion begins with the member agencies and organizations of the coordinating committees (identified in the previous section of this report). Each member agency or organization completes the section of the Community Report Card entitled *Agency/Sector Assessment*. Upon completion the members of the coordinating committee will collaborate to complete the Community Assessment section. The Community Report Card (including the Agency/Sector Assessment and the Community Assessment) should

be completed on an annual basis. Each member of the community's coordinating committee equally shares in the responsibility to complete this annual report card.

We recognize that each community has specific needs and will work toward a seamless response at its own rate. The community report card provides a specification of key outcomes (i.e. the key elements) and an assessment scale that reflects the sequence of community development necessary to achieve a coordinated response.

Recommendations:

133) We recommend that the Community Report Card be pilot tested in four locations in the province, each with unique needs and at various stages of coordination (Grey County, Kenora, London, and Toronto). This pilot-test will provide the opportunity for the government and community to field-test and revise (as necessary) the report card. (The Community Report Card is included as Appendix E.)

Once this pilot is completed and the report card refined, we recommend that the Community Report Card be implemented in each of the 54 court catchment areas in the province. The process of completing the report card includes each member agency/sector assessing its own progress as well as the whole community coordinating committee identifying the community's movement toward an effective and coordinated response to domestic violence.

Strategy 11: INTRODUCE MECHANISMS FOR PROVINCIAL COORDINATION OF DOMESTIC VIOLENCE RESPONSES.

We believe that improving our collective response to domestic violence is a long-term process requiring considerable commitment to training, resource allocation and coordination. The responsibility lies with individual service providers, agencies and services, local coordinating committees, communities, professional associations, and the provincial government. Coordination of initiatives and the development of unified intervention and prevention plans must occur at four key levels: (1) within community, social service, and justice organizations; (2) at the community level; (3) between the government and the community; and (4) among ministries of the provincial government.

An example of coordination among ministries of the provincial government is the *Agenda for Action*, a key strategy to address and prevent violence against women and children. The Ontario Women's Directorate coordinates the strategy involving 10 provincial ministries involved in delivering 40 initiatives supported through the strategy. The Agenda for Action has adopted a three-pronged approach to violence prevention and intervention: enhancing crisis support to victims, improving justice system response and holding perpetrators accountable, and enhancing public education and awareness.

The Provincial Report Card

If each of the 54 court catchment areas completed the Community Report Card on an annual basis, the following outcomes would be possible:

- identification of areas for further work and areas of progress by individual agencies/organizations and communities;
- information or data necessary to provide a consolidated, provincial description of the domestic violence response, including trends, gaps and best practices; and
- community input (i.e. through their completion of the Community Report Card) to the development and/or modification of provincial policies and programs, and the commitment of resources.

The Provincial Report Card will contain two key components: the provincial “roll-up” of the Community Report Cards (or the provincial description of domestic violence response in Ontario); and a measurement of progress toward implementation of the Jury Recommendations and the Joint Committee on Domestic Violence strategies outlined in this report. The Provincial Report Card is included as Appendix F to this report.

Recommendation:

134) The process of completing the Provincial Report Card would involve a provincial advisory committee consisting of government and community representatives, from the key domestic violence response sectors. To this end, we recommend that the government convene a joint committee of community and government partners to consolidate the information from the Community Report Cards and to review progress towards a seamless response to domestic violence (including an evaluation of the continued implementation of May/iles recommendations and the Joint Committee on Domestic Violence’s strategies)

Provincial and Regional Inter-Sectoral Symposia on Domestic Violence

The opportunity for inter-sectoral discussion of provincial initiatives and strategies, information sharing and networking, and acknowledgement of “best practices” is rare. However, these opportunities can provide a mechanism for coordination at the provincial level and a vehicle for renewed commitment by communities and service providers. Meaningful progress must be built on experiences in the field. A symposium would allow this knowledge to be shared, analyzed and integrated, across the province and throughout policy and practice initiatives.

Recommendation:

135) We recommend that the Ministry of the Attorney General and the Ontario Women’s Directorate, in collaboration with the provincial joint committee of community and government partners (identified in recommendation 134) convene a provincial, inter-sectoral symposium on domestic violence, on a bi-annual basis in a central location. In the years when the provincial symposium is not held, we recommend that regional symposia in each of the province’s regions be held. Each of the 54 court catchment area’s coordinating committees would be invited to send representatives to these symposia. The symposium would include the following components:

- inter-sectoral participation;
- opportunities for networking and information sharing;
- presentations of the results of the provincial report card;
- special interest sessions on key topics related to seamlessness (e.g. the use of threat assessment across the system);
- recommendations for changes to provincial policies, standards and training;

- recommendations related to law reform; and
- acknowledgement/celebration of “best practices” in domestic violence response.

Strategy 12:

PROVIDE MORE EFFECTIVE EDUCATION AND TRAINING ON DOMESTIC VIOLENCE FOR EVERY SECTOR OF THE RESPONSE SYSTEM.

An effective and seamless response to domestic violence must include an emphasis on education, continuing professional education and training. It is critical that professional education programs (e.g. law, social work, psychology, early childhood education, medicine, nursing, law enforcement, etc.) incorporate information on domestic violence. As future members of the domestic violence response system, these professionals will require this information and awareness in order to fulfil the responsibilities within their chosen profession.

The field of domestic violence intervention is continuously evolving. Consistent intervention in domestic violence situations, ongoing research in the field, and practice innovations continue to fuel the evolution of our response. For these reasons it is critical that all professionals directly responding to domestic violence partake in ongoing, continuing professional education and training throughout the life of their career.

In our consultations with various domestic violence educators the key components of effective education and training were discussed. It is not enough to have education and training programs that contain content on domestic violence. In order to be truly effective, education and professional training must be based on the fundamental principles of adult education. We have

provided examples of each of the principles identified using the issue of risk assessment. To be effective, professional education and training should:

- *be incremental, occurring in sequenced components over a period of time* (e.g. Police training on the use of risk assessment should begin with the theory of threat assessment, followed by how to do an initial risk assessment, and ultimately how to determine when a more in-depth risk/threat assessment is required and how to carry this out)
- *be realistic* (e.g. in a three-hour workshop on risk assessment, it may only be realistic to present a brief overview of the field of threat assessment, introduce the *Risk Indicator Tool*, and provide a demonstration on how to work with a victim to complete it. The same content presented in a full-day workshop could also involve opportunities for skill practice and role-playing)
- *include theory and practical application of that theory* (e.g. training which begins with a presentation on the theory and research on threat assessment and how to use the *Risk Indicator Tool*)
- *focus on changing behaviour in the short-term and changing attitudes in the long-term* (e.g. emphasis in initial training should be on appropriate, non-judgemental response to victims of domestic violence, rather than activities to change judgmental or victim-blaming attitudes)
- *be sector-specific when appropriate* (e.g. training for Police officers related to Police investigation of domestic violence occurrences)
- *be delivered to inter-sectoral audiences, whenever possible, to demonstrate and encourage an inter-sectoral response* (e.g. training for Police, Crowns and Victim/Witness Assistance Programme staff on risk assessment, the Crown bail brief, and the *Victim's Statement of Risk*)

- *emphasize skill development opportunities, including activities and exercises for skill application and practise* (e.g. training on risk assessment could utilize a case study to identify risk indicators and role-playing to practise skills in working with victims to complete the risk indicator form)
- *use a peer education model* (e.g. a Crown attorney and Police officer deliver training to Crowns on the *Risk Indicator Tool*).
- *incorporate a community development model where possible* (e.g. a training session focused on using the *Risk Indicator Tool* with women of different cultures and races, could be delivered by a Police officer and a woman of colour or from a particular cultural community)
- *promote cultural competency among participants* (e.g. training which examines how the culture, race, or ethnicity of a woman might influence the assessment of risk.)
- *integrate the experiences of women who have been victimized by domestic violence* (e.g. training could include a panel of survivors of domestic violence who can speak first hand about the need for effective risk assessment)
- *contain an evaluative component and follow-up/monitoring* (e.g. training participants should complete an evaluation form at the end of a session and again four weeks later after they have had an opportunity to implement the *Risk Indicator Tool* and apply what they learned at the session.)

The Ontario Women's Directorate is currently working with various government ministries to develop and identify effective training/education approaches for professionals on violence against women. Tools for use by individual ministries to evaluate their own training programs will be developed through this initiative.

Recommendations:

Training on Domestic Violence – Multi-Sector Issues

136) We recommend that the principles of effective adult education (outlined above) and the results of the OWD's *effective training project* should become the basis for all future training funded by and/or delivered by the provincial government. In order to be eligible to receive funding for a particular training initiative, each proposal must incorporate these adult education components.

137) Training on domestic violence is fundamental for every sector and every level of the response system. As a starting place, we recommend that all sectors of the current response system should be trained on the use of the *Risk Indicator Tool*, more in-depth risk assessment form, and the personal safety planning tool.

138) There is a growing body of research and literature which defines the impact on professionals of working with traumatized populations. This impact is defined as vicarious or secondary traumatization. In recognition of the secondary traumatization and/or vicarious traumatization of those involved in the field of domestic violence, Courts, Police, shelter workers, and all others who work with survivors and perpetrators of domestic violence need opportunities to "debrief" their reactions to their work. Each sector should receive continuing professional education on vicarious traumatization and training which highlights strategies (e.g. peer counselling) to mitigate the impact of this work in domestic violence response.

139) We recommend that the Ministry of the Attorney General identify a community partner to undertake the development of an Ontario-based community education and professional training video and facilitator's guide on domestic violence, for multi-sector use. A key component of the video will be the "lessons learned" from the May/iles tragedy and the key strategies of a seamless response (outlined in this report). The video should inspire the implementation of the local community coordinating committees, the community report card and fulfilment of other components of an integrated/coordinated response to domestic violence. Best practices should be highlighted.

The following summarizes other key recommendations related to education and training on domestic violence.

Professional Education

"Best Practice"

The mission of the Minnesota Higher Education Center Against Violence and Abuse is to revise the preparation, licensing and continuing education of a wide range of professionals (i.e. law enforcement, law, nursing, medicine, psychology, social work, and teacher education) on issues of violence and abuse. These curricula are available through an electronic clearinghouse of information that supports professional education for working with victims/survivors and perpetrators. The legislation and funding to establish the Higher Education Center was part of the 1993 Minnesota Omnibus Crime bill. The website address is: <http://www.mincava.umn.edu>

140) We recommend that the Council of Colleges and Universities consider the development of a similar approach to professional education and training (to that of the Minnesota Higher Education Center Against Violence and Abuse in Minnesota). The Council should consider the development of this approach in collaboration with the professional governance bodies

(e.g. Law Society of Upper Canada, Colleges of Physicians and Surgeons, etc). The outcome of this collaboration would be the development of core professional education curricula on domestic violence for all professional sectors. These curricula should be accessible through the World Wide Web.

141) We recommend that family law lawyers, social service providers, and the Ontario College of Certified Social Workers, the Ontario Psychological Association, and the Ontario Psychiatric Association – Child/Adolescent division should be targeted as a starting place to receive training on domestic violence with a focus on emotional abuse and the impact of exposure to domestic violence on children, specifically in the context of custody and access cases.

Legal Education

142) We recommend that the mandatory bar admission materials include a focus on domestic violence, that this material be examinable, and made an integral part of the bar admission courses on professional ethics, criminal law, family law, and civil procedure. To facilitate the preparation of this material, we recommend that the Law Society of Upper Canada work in conjunction with women's advocates and community violence against women prevention groups.

143) The Canadian Association of Law Deans and the Canadian Association of Law Teachers should work toward ensuring the adequacy of education for law students on domestic violence. We recommend that such education become part of the core curriculum and be used in such courses as Family Law, Criminal Law, Civil Procedure (e.g. existence of

specialized courts), 1st year foundation or perspectives courses, Children and the Law, Torts, Criminology, Contracts, Constitutional (e.g. use of Charter arguments relating to domestic violence), Evidence, Federalism (e.g. role of federal government in service provision/transfer payments), Dispute Resolution, Property, Legal Profession, Legal Drafting, etc.

- 144) We recommend that the adequacy of legal education relating to domestic violence be a standing item on the Canadian Association of Law Deans' and the Canadian Association of Law Teachers' annual meeting agendas.

Continuing Education and Training for Criminal Justice Personnel

Police

- 145) The *Advanced Knowledge Skills Training* curriculum currently being developed for all recruits at Police college should include a module focused on domestic violence. The module should be at least 3 days of the 60-day course. The hours dedicated to domestic violence issues can be further enhanced in other sections of the course (e.g. risk assessment, evidence, and children).

- 146) We recommend that domestic violence become a mandatory component of the *Advanced Patrol Training* curriculum, which each officer should attend every 2 to 5 years.

- 147) We recommend that the *Violence Against Women in Relationships* course at the Ontario Police College be maintained.

- 148) We recommend that domestic violence should be included in the curriculum of the law enforcement foundation course at community colleges.

149) Police training should include the criteria for Crown bail briefs (which include asking the victim about the history of violence in the relationship with the accused) and specific interviewing techniques, which will facilitate the disclosure of this information by the victim.

150) Training at the Police College should include presentations on the roles of Victims Crisis Assistance and Referral Services (VCARS) and the Victim/Witness Assistance Programmes (V/WAP).

Crown Attorneys

151) We recommend that training for Crown Attorneys should include, at minimum, the following content:

- how women who have been abused and children who have been exposed to domestic violence present and how to interpret evidence in the context of abuse / domestic violence;
- how health concerns and economic and cultural variables may impact on a woman's experience;
- ways that women and children are re-traumatized by the system;
- suggestions on how to adapt the prosecution process with techniques that acknowledge and support more effective/successful prosecution of domestic violence cases (e.g. full disclosure of abuse is incremental, occurs over time, and only when women and children have provisions for their own safety);

- strategies to accommodate the needs of women and children with disabilities who have experienced domestic violence (i.e. “best practices” – examples of what Crowns/Judges have done to accommodate witnesses); and
- the importance of collaboration and work with community agency workers and other sector personnel.

Judges and Justices of the Peace

152) It is important that everyone involved in the justice system appreciate the dynamics of domestic violence and the magnitude of the problem in society. The requirement of continuing education in this field applies to everyone including judicial officers. We commend the domestic violence educational programming all judicial officers in the province have undertaken to date, and recommend that ongoing programming on this and other social context issues be developed.

Judicial officers should be encouraged to act as facilitators for ongoing workshop development and delivery in consultation with domestic violence experts and service providers of services for women, children and men. The courses should include but not be limited to the following topics:

- the nature, extent, and causes of domestic violence;
- practices designed to promote safety of the victim and other family and household members, including safety planning;
- resources available for victims and perpetrators of domestic violence;
- sensitivity to gender bias and cultural, racial, and sexual orientation issues; and
- risk indicators to assess lethality in domestic violence matters

153) It is necessary that judicial officers be cognizant of and alert to differences arising from gender, race, religious conviction, culture, ethnic background, sexual orientation or disability. They must not be influenced by attitudes based on stereotype, myth or prejudice. We recommend that judicial officers be kept informed about changing attitudes and values, and take advantage of suitable educational opportunities that will assist them both to be, and appear to be, impartial.

154) We recommend that continuing education programs should assist judicial officers in appreciating why victims of domestic violence may present differently than victims of other crimes. As the Ontario Court of Appeal stated in the decision of *Regina v. D.S.F.* released on March 9, 1999, "persons who are abused in intimate relationships may respond differently because of that relationship than they would in other circumstances." Reasons for their lack of apparent cooperation with the justice system may include a fear of retaliation by the perpetrator, fear that the system cannot protect them and in some cases, may actually put them at increased risk. The reasons for delayed and incremental disclosure and recantation should be examined. Judicial officers should be alert to the various ways that the system can alienate and re-victimize women and children.

155) Educational programs should also address the inappropriateness of anger management programs, mediation and family counselling where there are allegations of domestic violence. We recommend that continuing education for judicial officers include the recognition that where appropriate, offenders should be ordered to attend programs

specifically designed to change the offender's behaviour and break the cycle of violence. The use of compliance review hearings is recommended to ensure that court ordered treatment programs are being followed prior to the final sentence being imposed.

New Judicial Appointments:

156) We recommend that the Judicial Appointment Advisory Committees (both provincial and federal) develop a method to examine applicants for judicial office on their knowledge of and sensitivity to domestic violence issues in the justice system.

157) We further recommend that all newly appointed judicial officers receive an orientation program on the dynamics of domestic violence and decision-making skills required when allegations arise in criminal and family law proceedings. To this end, we recommend that the Canadian Association of Provincial Court Judges develop a specific program on domestic violence as part of the orientation program currently provided to all new appointments. We recommend that the National Judicial Institute offer annual programs on domestic violence to both federally and provincially appointed judges.

Best Practice

“Enhancing Judicial Skills in Domestic Violence Cases”, offered through the American National Judicial Institute on Domestic Violence, a joint project of the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund. This program was developed in 1999 and involves 3 days of intensive educational programming which addresses practical courtroom exercises, victim and perpetrator behaviour, fact-finding, decision-making skills, access to justice, and fairness and cultural issues.

Court Clerks

158) We recommend that the *Bail Manual and Training Guide* should include a standardized court order form and clarification of the following process for recording court orders accurately:

- clerks accurately record the conditions of the bail order;
- judges and justices of the peace should request that clerks read back the conditions of their bail orders as a best practice;
- judges and justices of the peace should review and sign their own bail orders; and
- outline appropriate steps for the clerk to follow if judges or justices of the peace do not sign their bail orders.

Continuing Education for Health Professionals

159) The College of Family Physicians of Canada and the Royal College of Physicians and Surgeons of Canada are encouraged to closely study existing certification requirements and continuing education requirements to ensure that sensitivity to domestic violence and domestic violence screening are viewed as core skill requirements. The assessment and promotion of these skills should be reflected in all appropriate certification and continuing medical education requirements. The College of Physicians and Surgeons of Ontario is also encouraged in their standards and quality assurance program to promote these skills.

160) We recommend that as part of the requirement of the five year re-certification process for the College of Family Physicians of Canada (CFPC), the CFPC and university-based Continuing Medical Education offices are encouraged to take pro-active measures to promote the development and uptake of MAINPRO-MI and MAINPRO-C credited

educational activities which promote best practices in assessment and care in the area of domestic violence.

161) We recommend that training for hospital staff on domestic violence issues should be identified as a priority and should be supported by a reasonable commitment of time and corresponding paid relief time for staff who attend.

Best Practice

Education Wife Assault, with funding from the Ministry of Health, is developing a comprehensive *Train the Trainer Resource Kit/Manual for Health Care Professionals* with the emphasis on doctors in a hospital setting. The kit, authored by Deborah Sinclair, will contain resources to be used by a trainer or domestic violence resource team to implement an effective, coordinated response to domestic violence as a health care issue and is intended to be used to train emergency room staff. The objectives of the kit are to:

- standardize the information, statistics, and practices of health care providers on domestic violence identification and intervention across Ontario;
- provide an interdisciplinary team or trainer with current, practical and effective materials to use in medical settings including screening & risk assessment tools;
- develop collaborative strategies within the hospital and with the larger domestic violence response community to increase the safety of women at risk from violence;
- provide a framework for the development of policies and protocols, including sample protocols from both urban and rural hospitals; and
- provide practical tools and handouts for both health care providers and their patients.

162) We recommend that funding to implement this kit/manual across Ontario be provided by the provincial government.

163) We recommend that substantive, standardized, mandatory training on domestic violence should be included as part of the core curriculum for all medical students in Ontario.

Best Practice

The Family Violence Prevention Fund in San Francisco, California has developed a train the trainers model which utilizes an interdepartmental team of facilitators within each hospital and community health care facility. For example, the team (which might include an emergency room physician, family practice doctor, nurse, social worker, hospital chaplain, administrator, etc.) is trained in delivering the domestic violence content and is then responsible for ensuring that appropriate policies/protocols are in place and implemented, including training staff and monitoring all responses in domestic violence cases, within their hospital and community health care facilities.

STRATEGY 13:

RECOGNIZE THAT PUBLIC EDUCATION IS AN ESSENTIAL PART OF ONTARIO'S APPROACH TO DEALING WITH DOMESTIC VIOLENCE

Public education is a key component of society's response to domestic violence. Campaigns can effectively negate societal myths about domestic violence and can assist members of the general population to understand:

- what constitutes domestic violence;
- that the batterer is wholly responsible for his abusive behaviour;
- how this violence impacts victims and their children;
- the economic costs of violence;
- what they can do if they are aware of a domestic violence situation;
- how to access information on available community and social service resources; and
- that to end the problem of domestic violence we must all participate in finding solutions.

The outcomes of public education on domestic violence can provide vehicles for direct intervention into violent situations and for the prevention of future violence. For example, if a

woman who has been victimized by domestic violence views a public service announcement on TV about the impact of domestic violence on children, she may reach out to a shelter or children's service agency for assistance.

To be effective public education programs must be targeted at specific audiences and contain key messages that are delivered in creative ways to maximize audience receptivity.

“Best Practices”

In Perth, Australia, there is a specific public education campaign that targets men and offers information on the impact of domestic violence on children exposed to that violence, as well as the early warning signs of an abusive relationship. These messages are paired with toll free telephone help-lines and referral services to encourage men to self-identify and engage in early treatment. Preliminary results indicate that more men in the Perth area are reaching out for assistance as a result of the campaign. The website address is: www.freedomfromfear.wa.gov.au

The *Family Violence Prevention Fund* in San Francisco has a portion of their website directed to men focused on what they can do to get involved in prevention. They also target the private sector and encourage the establishment of partnerships to fund public education and prevention activities. The website address is: www.ipc.org/fund/men/

Recommendations:

164) We recommend that public education on domestic violence be ongoing and year-round (as in the year-round campaign to stop drinking and driving). These campaigns should include the following content:

- the emotional impact of witnessing abuse on children;
- what constitutes psychological and emotional abuse; and
- what to do if you believe that domestic violence is taking place.

165) Public education campaigns on domestic violence should include messages specifically directed to male audiences.

166) We recommend that the Ontario Women's Directorate, whose mandate includes public education on violence against women prevention, take a 'social marketing' approach to public education to determine what people already know about domestic violence and what public education should focus on.

167) As described in the best practice from Australia, we recommend that Public education be paired with access to services through the advertisement of a 1-800 number (which will provide information on available domestic violence services, etc).

168) To assist with increasing the effectiveness of restraining orders, we recommend that public education campaigns include information on the consequences of breaching a restraining order.

169) We recommend that the private sector work in concert with the provincial government to sponsor violence against women and children prevention activities and public education campaigns. To this end, we encourage the government to continue in its direction of the *Partners for Change* initiative, which involves representatives from business, media and academia volunteering their time, resources, and expertise to produce innovative violence prevention tools, resources, and products.

Strategy 14: IMPLEMENT ACCOUNTABILITY MECHANISMS ACROSS ALL SECTORS

As the Jury in the May/iles Inquest indicated in their opening statement a combined effort between government and the community was required to end domestic violence. As we have emphasized throughout this report the responsibility for a collective, unified response to domestic violence is equally shared by individual service providers, agencies and services, local coordinating committees, communities, professional associations, the government and members of the general public. No one sector in isolation has 'ownership' of the problem nor full responsibility to address it.

As we have discussed throughout this section on achieving seamlessness, specific strategies and accountability mechanisms will assist in our progress toward responding most effectively and ultimately eradicating domestic violence.

Safety First Audit

The *Safety First Audit* is a government/community pilot project in Windsor coordinated by the Ministry of the Attorney General, with funding from the Ontario Women's Directorate. The audit is a comprehensive review of each contact a victim of domestic violence has with the criminal justice system to ensure that her immediate safety is the first priority at each stage in the process. The Audit is conducted by a team of professionals within the criminal justice system, community advocates, and survivors of domestic violence. The Audit will analyze how safety and accountability are (or are not) addressed in the work and policies of agencies and services

(including Police, Crown Attorneys, victims' services, and probation and parole). The pilot is underway and expected to be completed within 18 months.

Recommendation:

170) We support the direction of the Safety First Audit initiative. Upon receiving the results of the evaluation of the pilot, the government should determine whether the model should be implemented further. If the evaluation is favourable, we recommend that the audit be replicated in each of the 54 court catchment areas across Ontario, with priority given to the northern regions of the province.

The Canadian Panel on Violence Against Women – Development of an Audit Tool

During the Coroner's Inquest, the May/Iles Jury heard about the work of previous government committees dealing with the topic of violence against women. A major initiative of the federal government was the *Canadian Panel on Violence Against Women*. Between 1991 and 1993, the Panel consulted with over 4,000 Canadians in 139 communities across the country. The Panel's Final Report, "*Changing the Landscape - Ending Violence and Achieving Equality*", provided a comprehensive action plan to address violence against women. Unique aspects of the Panel's report included the examination of violence against women as an issue of inequality and the creation of a national climate of zero tolerance for violence, and the development of audit tools to measure progress toward eliminating inequality and violence against women.

In an attempt to build on this previous work, the May/Iles Jury recommended that the federal government and provincial government conduct an audit of the implementation of the specific recommendations outlined in the Panel's report.

The federal government responded to Office of the Chief Coroner in October 1998 on this jury recommendation. The Honourable Hedy Fry, Secretary of State and Minister Responsible for the Status of Women, in her letter to the Coroner, indicated that a number of broad-based assessments of progress in the field of violence against women are taking place. She questioned whether the "significant financial and human resources" required to respond to this jury recommendation would be the most effective use of limited resources.

The Ontario Women's Directorate reviewed the Panel's report and has undertaken a number of initiatives which support the general spirit of the major recommendations contained in the report as evidenced through the Agenda for Action and Violence Against Women Prevention Initiatives they fund throughout Ontario.

Recommendation:

- 171) We recognize that the federal government supports five unique *Centres of Excellence on Research on Violence Against Women and Children* (Fredericton, Montreal, London, Winnipeg and Vancouver) and recommend that an alliance of these centres explore the feasibility of developing a cost-effective audit tool to measure the progress of each province and the country in addressing violence against women. To this end, we recommend that funding for this undertaking be provided by the private sector.

Domestic Violence Death Review Committee

As the justice system and communities try to confront domestic violence, the question of what to do about domestic violence fatalities continually resurfaces. When it is not a homicide/suicide, these fatalities are handled by the criminal justice system, which investigates the death and charges the perpetrator when appropriate. Such criminal justice handling however does little to review the effectiveness of the various systems charged with serving and protecting those vulnerable to domestic violence and death. What is required is a vehicle to review all domestic fatalities with a view to preventing future deaths.

In a number of American jurisdictions, domestic violence fatality reviews have been established to identify problems in the criminal and civil justice systems and breakdowns in the system of service delivery. We recognize the need for an ongoing review of domestic violence fatalities in order to ensure that there is system-wide accountability for services and that real progress is being made across all sectors to end the violence.

Recommendation:

172) In order to ensure that local systemic issues are identified and addressed in all domestic violence related homicides, and to increase public awareness of the extent of this lethal violence across the province, we recommend that the Chief Coroner create a committee, the purpose of which shall be to assist the Office of the Chief Coroner in the investigation of any suspicious death of persons occurring within an intimate relationship context. Each case should be examined by reviewing records and other relevant information and with access to specialized expertise.

It is recommended that upon completion of a case review by the *Domestic Violence Death Review Committee* that the Regional Coroner should report the findings of the investigation to the local community coordinating committee where and when local systemic issues need to be addressed.

173) We further recommend that an annual summary report from the *Domestic Violence Death Review Committee* be delivered at the bi-annual Provincial Inter-Sectoral Symposium on Domestic Violence.

FUNDING AND PLANNING PRIORITIES

Within this section of our report we have outlined our advice on strategies which will provide the funds necessary to implement the services and mechanism required to create a seamless response system. As well, we have included an implementation framework which provides our advice on setting priorities in the creation of domestic violence services and programs.

Strategy 15

IMPLEMENT NEW AND INNOVATIVE FUNDING STRATEGIES TO SUPPORT DOMESTIC VIOLENCE INITIATIVES

The Ontario Government has made the safety of its citizens a clear priority in its May 1999 Budget announcement. The government's concern and commitment to domestic violence is reflected in the millions of dollars dedicated to this issue each year.

As the Jury established in their recommendations, gaps in the domestic violence service response system exist. In order to address these gaps, we recognize that additional funding beyond what

the government already spends on domestic violence will be required. This need for additional funds will contribute to a more comprehensive and consistent response system.

The implementation plan that we include in the next section of this report requires a long-term commitment from many sectors to address domestic violence in a comprehensive and consistent way. There will be a need to identify the human and financial resources needed to implement our recommendations. To this end, we propose five major funding strategies.

1. Making the best use of existing resources
2. Collaborating with the private sector
3. Allocating new funds for core services in each jurisdiction
4. Utilizing the Victim Justice Fund
5. Completing a feasibility study on a new tax on violent entertainment

1. Making the Best Use of Existing Resources

Most of the recommendations outlined in this report encourage existing agencies and services to make domestic violence a priority within their respective organization. In many instances social and community service agencies, medical facilities and other programs already respond to domestic violence. However, these services may not recognize that victims of domestic violence are among the clients they serve. A more deliberate response, beginning with specialized training for staff and protocol development on how to respond when domestic violence is suspected or disclosed, would ensure that existing resources are being utilized most effectively.

For example, hospitals already deal with many assaulted women who come to emergency department with injuries or severe psychological distress sustained as a result of domestic violence. Research indicates that there is a considerable overlap between domestic violence and health issues. Almost one half of cases of domestic violence result in physical injury to the woman.³⁰ Broken limbs, lacerations, cuts, bruises, internal damages, reproductive damage, including the inability to bear children are only some examples. Twenty percent of women admitted for emergency surgery are victims of violence.³¹ Abused women may also develop long term health conditions as a result of her experience of extreme fear and stress. For example, one report suggests that half of all women with abdominal complaints are survivors of abuse.³²

With proper training, specific protocols and standardized intake that includes screening for domestic violence, a more responsive and effective system will be created. If screening for domestic violence leads to identification of an abusive situation, an emergency room nurse or physician can provide support and referral information on available domestic violence services. If a woman can access these services, she may receive the support necessary to leave this abusive relationship. This brief concerted intervention in the emergency room, may ultimately prevent further victimization.

In some cases specialized training on domestic violence and the use of appropriate assessment tools may allow for a more effective and less costly response. For example, as we have discussed earlier in our report, many children are traumatized by the exposure to domestic violence. These children may exhibit behavioural and emotional 'symptoms' which include being inattentive and hyperactive. In many school settings, these behaviours may be

misinterpreted and diagnosed as Attention Deficit/Hyperactivity Disorder. This diagnosis often results in the child being prescribed medication for this disorder (such as Ritalin) without recognizing that these behaviours could be rooted in domestic violence.³³ This response is a costly, ineffective intervention. Screening for domestic violence would provide a vehicle for early identification of children living with domestic violence. This should lead to more appropriate interventions, resulting in the mitigation of emotional trauma, prevention of further serious injuries and saved lives.

2. Collaborating With the Private Sector

As we outlined in the introductory section of this report, we recognize the economic costs of domestic violence. Studies have estimated that violence against women drains millions of dollars each year from Ontario's economy in health and justice system costs, as well as in employment loss. As the Jury noted in its opening statement, collaboration among the government and communities is required to create a seamless response and ultimately an end to domestic violence. We believe that more public/private partnerships are key to developing innovative solutions and accessing additional financial resources for domestic violence initiatives.

Best Practice

Recently, the Bank of Nova Scotia demonstrated leadership in the area of violence against women prevention by donating \$1.5 million to the Research Centre for Violence Against Women and Children, at the University of Western Ontario. The donations provided funding for small research grants on violence against women and children, and supported a Chair position in this area of study.

The government and the citizens of Ontario need to create partnerships between the public and private sectors. These partnerships will encourage private corporations and foundations to play an active role in responding to domestic violence. These partnerships should be noted on the provincial report card as an indicator of progress.

We encourage the Ontario government to play a leading role in exploring new partnerships with the private sector to raise the necessary funding for new services and strategies to address domestic violence. We recognize that the government has begun to forge these partnerships in initiatives such as the Partners for Change, described previously in this report. New partnerships could be forged to create a *Domestic Violence Innovation Fund* to encourage the development of innovative programs and services to respond to domestic violence.

Best Practice

The Philip Morris Companies Inc. and The National Network to End Domestic Violence Fund have jointly created the American national *Doors of Hope* program, a philanthropic initiative for organizations helping victims of domestic violence. The goals of this initiative are to:

- expand and enhance direct services, outreach and training;
- establish local and regional collaborations to address specific community needs; and
- formulate innovative practices in domestic violence services.

It is anticipated that approximately \$2 million will be distributed in 1999.³⁴

A workforce that is free of domestic violence can bring about major economic benefits for corporations, such as enhanced productivity and reduced insurance costs. We support the examples of creative partnerships outlined in the "Early Years Study" Report, which offer financial incentives to develop joint efforts between the public and private sectors to meet the needs of children.³⁵

3. Allocating New Funds for Core Services in Each Jurisdiction

Some communities have inadequate resources in place to respond to domestic violence. Every community in Ontario needs access to domestic violence services for abused women, their children, and for abusive men. In light of the gap between the need for and the availability of services, we recognize that there will need to be a significant investment of new funding over the next several years to effect serious changes. We further recognize that the Ontario government is strongly committed to tax relief and to balancing the provincial budget. In order to move forward, toward a seamless response system, we must fully appreciate that domestic violence is a 'quality of life' issue, and that the costs of not responding effectively could ultimately cost our society more than overt steps to deal with it.

For example, there are significant long-term costs if a child grows up exposed to domestic violence, potentially becomes a young offender, and/or eventually an adult offender in our correctional system. At the London Family Court Clinic, which is a children's mental health centre specializing in court assessments, they found 70% of adolescents (aged 12-17) who are charged with crimes against people (i.e. assault) have witnessed violence in their family of origin.³⁶

4. Utilizing the Victim Justice Fund

The Victim Justice Fund (VJF) is a source of revenue that the government has already accumulated and dedicated for victims of crime. Since a high proportion of victims of crimes are victims of domestic violence, initiatives to address the needs of this population should be given

priority. As a corollary, many perpetrators of violent crime were at one time children who were abused directly or who were exposed to violence in their homes.³⁷

As we have emphasized throughout this report, the needs of victims will be better served by a coordinated, seamless domestic violence response system. A precedent already exists for funding coordination activities and supporting coordinating committees at the community level. In the past, funds for this purpose were granted through the *Community Initiatives Fund*. We are therefore recommending that the Victim Justice Fund be used to support the following two priority areas of domestic violence initiatives:

- victim services which will directly benefit victims of the crime of domestic violence (such as victim crisis response services or Victim/Witness Assistance Programmes); and
- community development activities which focus on creating and implementing community coordinating committees in each of the 54 communities (or court jurisdictions) in Ontario.

5. Completing a Feasibility Study on a New Tax on Violent Entertainment

The Joint Committee recommends that within the next year the Ontario government explore the feasibility of a new tax (or surcharge) to help offset the cost of program development, research and innovation in the field of domestic violence. We recommend that the Ministries of the Attorney General, Finance, and Consumer and Commercial Relations establish a task group to consider a special tax on violent forms of entertainment without creating an excessive new bureaucracy. The tax would constitute a minimum of 1% of the purchase price of movie admissions, the purchase of violent movies, movie rentals and the rental or purchase of violent video games in Ontario. Revenue from this tax could be funneled into the *Domestic Violence*

Innovation Fund to encourage the development of innovative programs and services to respond to domestic violence. The tax would be a reminder to consumers that violence is a real issue in many homes across Ontario.

Other jurisdictions have developed similar ideas with regard to taxation. For example, California voters recently passed a special tax on tobacco to raise new funds (\$700 million annually) for early intervention programs with children, that fall outside of current state expenditures.³⁸

Strategy 16

DEVELOP A REALISTIC AND ATTAINABLE PLAN TO FULLY IMPLEMENT DOMESTIC VIOLENCE INITIATIVES OVER THE NEXT FIVE YEARS

One of the most challenging aspects of our mandate has been to provide advice on priorities in the creation of domestic violence services and programs. We have identified 16 key strategies for taking action against domestic violence. It is difficult to prioritize these strategies and the services, programs, and initiatives contained within each, as none of these strategies, in isolation, will create the necessary seamless response system that the Jury recommended.

To move in this direction, toward a seamless response, we believe that each of the 16 strategies and related recommendations or advice require full implementation. To this end, we have developed a realistic and attainable implementation framework which includes a specification of priorities in the creation of domestic violence services and programs. We encourage the government and the community partners identified, to respond to these recommendations and work toward a coordinated, responsive, and effective system.

The chart which follows includes each of the 173 recommendations described in this report, specifies who has the key responsibility in their implementation, and the year in which full implementation is to be completed. For example, a recommendation with a "year 5" timeframe for implementation would be fully implemented 5 years from the date of this report (i.e. implemented by July 2004).

JOINT COMMITTEE'S CRITICAL STRATEGY AND RECOMMENDATIONS	ACTION REQUIRED BY	TIMEFRAME FOR IMPLEMENTATION
<p>The Essential Community Services</p> <p>Strategy 1: Ensure access to essential victim services in each court catchment area</p> <ol style="list-style-type: none"> Core essential services accessible in each of 54 court catchment areas. Work to develop and support essential services in court catchment areas in Northern Ontario. Expansion of victim crisis services to 54 court catchment areas. Community-based crisis services be adequately resourced. Task group to develop provincial standards on victim crisis response. Need for emergency shelter addressed in each of 54 court catchment areas. Affordable housing solutions for women leaving abusive relationships. Rent subsidy directed to abused women implemented. Resources to fund transitional supports program. Protocols developed for collaboration between crisis and social services. Legal Aid Ontario to support innovation in delivering specialized legal services to abused women. Legal Aid Ontario to communicate enhancements to legal services and determine if services are sufficient to address needs of abused women. Legal Aid Ontario to ensure assessors for Family court assessments trained in domestic violence issues. District Health Council and local coordinating committee to assess and document health sector response to domestic violence. Expand Domestic Violence pilots in Sexual Assault Treatment Centres (SATC) to all 27 SATCs and ensure access to these services in each of the 54 court catchment areas. Ensure all health care facilities screen for domestic violence and screening enforced through Canadian Council on Health Services Accreditation Include progress measurement in hospital response to domestic violence, in new annual report card OHA and Ministry of Health and Long Term Care to ensure all hospitals have direct or indirect capacity to provide women with access to counselling, as needed. 		

JOINT COMMITTEE'S CRITICAL STRATEGY AND RECOMMENDATIONS	ACTION REQUIRED BY	TIMEFRAME FOR IMPLEMENTATION
<p>19. Ministry of Health and Long Term Care and OMA to examine current code descriptions in OHIP to ensure screening and physician counselling for domestic violence are embedded and understood by/communicated to physicians.</p> <p>20. Ensure access to long-term emotional/psychological counselling for women in 54 court catchment areas.</p> <p>21. In communities where long-term counselling resources do not exist, develop and implement plan to address need.</p>	<p>MOHLTC, MCSS & Local Coordinating Committees</p> <p>MOHLTC, MCSS & Local Coordinating Committees</p>	year 3 year 5
<p>Strategy 2: Ensure that children exposed to domestic violence have access to services.</p> <p>22. Police and victim crisis service be trained and develop policy to respond to children at the scene of a domestic occurrence.</p> <p>23. Police protocol established for situations involving homicide and all serious violence where children are present.</p> <p>24. Government to introduce standardized intake and assessment, including screening for domestic violence, in all children's mental health centres in Ontario.</p> <p>25. When domestic violence is identified, appropriate supports to these children to be provided by children's mental health centres.</p> <p>26. Children's Secretariat, MCSS and local coordinating committees to identify best ways to meet local needs for counselling for children exposed to domestic violence and services expanded to 54 communities.</p> <p>27. To ensure existing services utilized most effectively, MCSS should encourage and support development of protocols and service coordination.</p> <p>28. Dedicated coordination function at each school board and teacher designated at each school to assume lead responsibility in violence against women prevention activities.</p> <p>29. Use of measurement tools within education sector to include measurement of progress school and school board making on implementing domestic violence coordination function.</p>	<p>MSG, OPP and Municipal Police Services</p> <p>MSG, OPP and Municipal Police Services</p> <p>MCSS & MOHLTC</p> <p>Children's Mental Health Centres, MCSS & MOHLTC</p> <p>Children's Secretariat, MCSS & Local Coordinating Committees</p> <p>MCSS & Local Coordinating Committees</p> <p>Ministry of Education & School Boards</p> <p>Ministry of Education & School Boards</p>	year 1 year 1 year 1 year 1 year 1 year 1 year 2 year 2
<p>Strategy 3: Study the effectiveness and improve access to male batterers programs. Support innovation in responses to male batterers.</p> <p>30. Create inventory, evaluate these programs and use this information to inform expansion of programs to 54 court catchment areas.</p> <p>31. Number of spaces in PAR programs to be increased to 15,000 annually.</p> <p>32. Assessment services for male batterers available for judicial use accessible</p>	<p>MSG, MCS & Local Coordinating Committees</p> <p>MSG & MCS</p> <p>MSG & MCS</p>	year 1 year 5 year 5

JOINT COMMITTEE'S CRITICAL STRATEGY AND RECOMMENDATIONS	ACTION REQUIRED BY	TIMEFRAME FOR IMPLEMENTATION
<p>in each of 54 court catchment areas.</p> <p>33. Materials and intervention strategies developed to ensure access to batterers' programs for men with low literacy, language barriers, and specific needs related to cultural issues.</p> <p>34. Government and private sector to support research and innovation in providing male batterer services.</p>	<p>MSG & MCS in collaboration with community agencies</p> <p>Provincial Government & private sector</p>	<p>year 3</p> <p>year 5</p> <p>year 2</p>
<p>The Effective Justice System Response</p> <p>35. Consistent definition of domestic violence integrated and utilized by all components of criminal justice system.</p>	<p>MAG, MSG & MCS</p>	<p>year 1</p>
<p>Strategy 4: Implement standardized, specialized Police response to domestic violence across the province.</p> <p>Recommendations # 36 – 57 relate specifically to the <i>Model Police Response to Domestic Violence</i>. Finalize <i>Model Police Response</i> and commence province-wide implementation, pursuant to Adequacy Regulation.</p>	<p>MSG, OPP & Municipal Police Services</p>	<p>year 2</p>
<p>58. All Policing services to have computer systems compatible with Integrated Justice Project.</p> <p>59. Publicize Police complaints process and ensure resolution to complaint communicated back to person filing complaint.</p> <p>60. Performance review process for Police services enhanced to include peer and client feedback (and input from colleagues)</p> <p>61. Annual award for best practices/innovations in the Police service for dealing with domestic violence.</p>	<p>OPP & Municipal Police Services</p>	<p>year 2</p>
<p>Strategy 5: Ensure consistent enforcement of restraining orders and explore strategies to improve their effectiveness.</p> <p>62. Breach of restraining orders pursued through Ontario Court of Justice (Criminal Division).</p> <p>63. Task group to consider ways to make restraining orders more effective.</p> <p>Recommendations # 64 – 71 relate to strategies to make restraining orders more effective.</p>	<p>MAG</p> <p>MAG</p> <p>MAG</p>	<p>year 1</p> <p>year 1</p> <p>year 1</p> <p>year 2</p>
<p>Strategy 6: Reinforce Crown Attorney leadership by implementing consistent standards and ensuring accountability.</p> <p>72. Ensure sufficient number of bail courts and Crown Attorneys in each of 54 court catchment areas.</p>	<p>MAG</p>	<p>year 2</p>

JOINT COMMITTEE'S CRITICAL STRATEGY AND RECOMMENDATIONS	ACTION REQUIRED BY	TIMEFRAME FOR IMPLEMENTATION
73. Crowns to receive at least one day to interview victims and prepare for proceedings. 74. Dedicated Police officer for every bail court to ensure completeness of bail briefs. 75. Crowns to tender information on risk to court, ensure risk indicator tool used through all proceedings, forward completed tool to relevant correctional authority, where appropriate. 76. Crown Attorneys' Office, with Police and V/WAP, to ensure victims notified of bail release conditions, as soon as possible. 77. Crowns develop criteria for use of domestic violence experts in all proceedings. These criteria included in the Crown Policy Manual.	MAG MSG MAG & MSG MAG MAG MAG MAG	year 1 year 2 year 1 year 1 year 1 year 1 year 1
Recommendations # 78 – 83 relate specifically to the Crown Policy Manual. Finalize Crown Policy Manual and commence province-wide implementation.	MAG	year 1
84. Crowns to develop standardized complaints process that includes communicating back to person filing the complaint. Publicize Crown complaints process. 85. Performance review process for Crowns enhanced to include peer feedback and input from justice partners.	MAG MAG	year 1
Strategy 7: Introduce specialized court responses for prosecuting all domestic violence cases in the province. 86. Each of 54 court catchment areas have specialized court or specialized court process related to domestic violence including components specified. 87. Supervised access programs to be available in each of 54 court catchment areas. 88. Failure to Comply charges related to domestic violence cases should come to specialized courts and be dealt with expeditiously. 89. Judicial officers "fast track" domestic violence matters. 90. Crowns to identify every domestic violence case to the court to enable "fast tracking". 91. Crown bail brief to include information from victim's perspective on needs re: safety. 92. Judicial officers review and sign all bail, probation, and conditional sentence orders to ensure their accuracy. All courts use standardized court documents to ensure consistency in language of court orders. 93. Framework for specialized court responses related to domestic violence in different size communities be implemented across Ontario	MAG & Local Coordinating Committees MAG MAG Judicial Officers MAG MAG Judicial Officers & MAG MAG MAG & Local Coordinating Committee	year 5 year 2 year 5 year 1 year 1 year 1 year 1 year 5

JOINT COMMITTEE'S CRITICAL STRATEGY AND RECOMMENDATIONS	ACTION REQUIRED BY	TIMEFRAME FOR IMPLEMENTATION
94. Expansion of V/WAP to each of 54 court catchment areas.	MAG	year 4
95. Coordination between V/WAP and victim crisis services made priority. Managers from VCARS and V/WAP develop list of best practices related to service coordination to share among program staff.	MAG, MSG, OPP, Municipal Police Services	year 1
Strategy 8: Amend legislation to recognize the effects of domestic violence on children. Recommendations #96 – 108 related to suggested amendments to the Children's Law Reform Act. Amendments to CLRA enacted.	MAG	year 3
109. Child and Family Services Act when reviewed, should be amended to include exposure to domestic violence as separate ground for protection.	MCSS	year 5
Achieving Seamlessness		
Strategy 9: Implement standardized risk assessment and safety planning tools across the system, throughout Ontario.		
110. Risk indicator tool questions and steps of thorough Police investigation on domestic violence incorporated onto laminated card.	MSG	year 1
111. Standardized risk assessment form used for more in-depth threat assessment.	MSG, OPP & Municipal Police Services	year 2
112. Standardized risk assessment form used across domestic violence response sectors.	Local Coordinating Committees	year 2
113. More in-depth, standardized risk assessment form included in Crown bail brief.	MAG	year 1
114. Risk indicator tool and risk assessment form become standardized component of probation officer's court order pre-sentence report.	MCS	year 1
115. Criminal justice system to incorporate Victim's Statement of Risk form.	MAG & MSG	year 3
116. More in-depth, standardized risk assessment form used by corrections staff to develop case supervision and rehabilitation plans.	MCS	year 1
117. More in-depth, standardized risk assessment form used by correctional staff to develop case supervision plans for offender's release.	MCS	year 1
118. Risk indicator tool, in-depth risk assessment form, and victim's statement of risk incorporated into Integrated Justice system.	MAG, MSG & MCS	year 3
119. Family law lawyers explore integration of in-depth risk assessment form and victim's statement of risk in family law matters where domestic violence is identified.	MAG	year 3
120. Threat assessment task group convened on annual basis to provide ongoing evaluation, monitoring and updating of risk indicator tool, in-	MAG, MSG & MCS	year 1

JOINT COMMITTEE'S CRITICAL STRATEGY AND RECOMMENDATIONS	ACTION REQUIRED BY	TIMEFRAME FOR IMPLEMENTATION
<p>depth risk assessment form, and victim's statement of risk.</p> <p>121. Standardized safety planning tool used by all sectors throughout Ontario.</p> <p>122. Safety planning core service expectation for Police, V/WAP, victim crisis services, and staff of various sectors. Staff should be adequately trained and supported to fulfil this function.</p> <p>123. Police to use resources available in community to assist women to develop safety plans.</p> <p>124. Personal safety planning documents available in all court locations.</p> <p>125. All regulated health and mental health professionals trained and supported to assess risk of women's situation with in-depth risk assessment form. Where serious risk identified, health practitioner to report to Police and warn intended victim, as appropriate.</p> <p>126. CPSO issues special bulletin to profession on domestic violence, risk assessment, and duty to report/warn.</p>	<p>Local Coordinating Committees Provincial Government & Local Coordinating Committees</p> <p>OPP, Municipal Police Services & Local Coordinating Committees</p> <p>MAG OMA, OHA, CPSO, College of Family Physicians & College of Nurses</p> <p>CPSO</p>	<p>year 1</p> <p>year 1</p> <p>year 1</p> <p>year 1</p> <p>year 1</p>
<p>Strategy 10: Establish domestic violence coordinating committees in every court jurisdiction.</p> <p>127. Coordinating committee implemented in each of 54 court jurisdictions.</p> <p>128. In court jurisdictions were no coordinating committee exists, Crown, local shelter and/or other women's community agency convene first meeting of relevant stakeholders</p> <p>Recommendations # 129 – 131 relate specifically to membership of coordinating committees.</p>	<p>MAG, MCSS, MSG, OPP, Municipal Police Services & Community Agencies MAG & Local Shelter/Women's Agency</p>	<p>year 1</p> <p>year 1</p> <p>year 1</p>
<p>132. OWD's Performance Management Framework questionnaire revised to include children exposed to domestic violence and government support continued maintenance/expansion of framework to all relevant ministries.</p> <p>133. Community Report Card pilot tested in 4 communities and then implemented in 54 court jurisdictions.</p>	<p>MAG, MCSS, MSG, OPP, Municipal Police Services Judicial Officers & Community Agencies</p> <p>OWD & Provincial Government</p> <p>MAG & Local Coordinating Committees in Test Sites</p>	<p>year 1</p> <p>year 1</p> <p>year 1</p>
<p>Strategy 11: Introduce mechanisms for provincial coordination of domestic violence responses.</p> <p>134. Joint government and community provincial advisory committee to consolidate Community Report Cards and review progress towards seamless response (including evaluation of continued implementation of May/Illes recommendations and JCDV strategies.)</p> <p>135. Convene Provincial and Regional Inter-Sectoral Symposia on Domestic</p>	<p>MAG</p> <p>MAG & OWD</p>	<p>year 1</p> <p>year 2</p>

JOINT COMMITTEE'S CRITICAL STRATEGY AND RECOMMENDATIONS	ACTION REQUIRED BY	TIMEFRAME FOR IMPLEMENTATION
Violence.	<p>Strategy 12: Provide more effective education and training on domestic violence for every sector of the response system.</p> <p>136. Principles of effective adult education and results of OWD's effective training project used as basis for future training funded and/or delivered by provincial government.</p> <p>137. All sectors of response system trained in use of risk assessment tools and safety planning tools.</p> <p>138. Each sector to receive continuing professional education on vicarious traumatization and training which highlights strategies to mitigate impact.</p> <p>139. Ministry of the Attorney General and community partner to develop community education and professional training video for multi-sector use, on "lessons learned" from May/11ies and key strategies of seamless response.</p> <p>140. Council of Colleges and Universities consider development of approach to professional education and training, such as Minnesota Higher Education Center Against Violence and Abuse.</p> <p>141. Family law lawyers, social service providers, Ontario College of Certified Social Workers, Ontario Psychological Association and Ontario Psychiatric Association (Child/Adolescent Division) targeted to receive training on domestic violence with a focus on emotional abuse, in context of custody/access.</p> <p>Recommendations # 142 – 144 relate to legal education. Specific recommendations to be implemented as outlined.</p> <p>Recommendations # 145 – 150 relate to Police training. Specific recommendations to be implemented as outlined.</p> <p>151. Training for Crown Attorneys to include specified components.</p> <p>Recommendations # 152 – 157 relate to judicial education. Specific recommendations to be implemented as outlined.</p> <p>158. Bail Manual and Training Guide include clarification of role of court clerks and process for recording and ensuring accuracy of bail orders.</p>	<p>Provincial Government year 1</p> <p>Local Coordinating Committees & Provincial Government Local Coordinating Committees & Provincial Government year 2</p> <p>MAG & Community Agency year 1</p> <p>Council of Colleges and Universities & Ministry of Training, Colleges and Universities. year 2</p> <p>Family law lawyers, social service system, Ontario College of Certified Social Workers, Ontario Psychological Association and Ontario Psychiatric Association (Child/Adolescent Division) year 1</p> <p>Law Society of Upper Canada, Canadian Association of Law Deans & Canadian Association of Law Teachers MSG & Ontario Police College year 1</p> <p>MAG National Judicial Institute, Judiciary, Judicial Appointment Advisory Committees year 1</p> <p>MAG year 1</p>

JOINT COMMITTEE'S CRITICAL STRATEGY AND RECOMMENDATIONS	ACTION REQUIRED BY	TIMEFRAME FOR IMPLEMENTATION
Recommendations # 159 – 163 relate to medical education and continuing medical education. Specific recommendations to be implemented as outlined.	Professional Colleges of Medicine, College of Family Physicians of Canada & MOHLTC	year 1
<p>Strategy 13: Recognize that public education is an essential part of Ontario's approach to dealing with domestic violence.</p> <p>Recommendations # 164 – 169 relate to content of public education campaigns. Specific recommendations to be implemented as outlined.</p>	OWD & Private Sector	year 2
<p>Strategy 14: Implement accountability mechanisms across all sectors.</p> <p>170. If evaluation results of Safety First Audit pilot is favourable, audit be replicated in 54 court catchment areas, with priority given to Northern regions.</p> <p>171. Alliance of 5 Centres for Excellence on Research on Violence Against Women and Children explore development of audit tool to measure progress of provinces and Canada in addressing violence against women.</p> <p>172. Chief Coroner create a <i>Domestic Violence Death Review Committee</i>.</p> <p>173. Annual summary report from Domestic Violence Death Review Committee delivered at the bi-annual Provincial Inter-Sectoral Symposium on Domestic Violence.</p>	MAG	Year 5
<p>Strategy 15: Implement new and innovative funding strategies to support domestic violence initiatives.</p>	Provincial Government & Private Sector	Year 5

Endnotes

¹ Statistics Canada. (1999). *Family Violence in Canada: A Statistical Profile, 1997*.

² Jaffe, P., Wolfe, D. & Wilson, S. (1990). *Children of Battered Women*. Thousand Oaks, CA: Sage Publications Inc.

³ Statistics Canada. (June 1999). This data is taken from a sample of police services that use the Uniform Crime Report II to report to the federal government.

⁴ Gartner, Rosemary, et al. (1998/99). Woman Killing: Intimate femicide in Ontario, 1974 – 1994. *Resources for Feminist Research*, 26, (3/4).

⁵ Gartner, et al. *Ibid.*

⁶ Greaves, Loraine, Hankivsky, Olena & Kingston-Riechers, JoAnn. (1995). "Selected Estimates of the Costs of Violence Against Women". Centre for Research on Violence Against Women and Children; a collaborative venture of Fanshawe College, The London Coordinating Committee to End Woman Abuse and the University of Western Ontario.

⁷ Taylor, I. (1991) "For better or for worse: Caring and the abused wife". In Baines, et al, *Women's caring: Feminist perspectives on social welfare*, pp. 204-233.

⁸ Walker, G.A. (1990). *Family Violence and the Women's Movement: The Conceptual Politics of Struggle*. Toronto: University of Toronto Press.

⁹ Beaudrey, M. (1985). *Battered Women*. Montreal: Black Rose Books; MacDonald, L.P. (1989). Transition Houses and the Problem of Family Violence. In B. Pressman, G. Cameron & M. Rothery (eds.) *Intervening with Assaulted Women: Current Theory, Research & Practice*, pp. 111-123. NJ: Lawrence Erlbaum Associates; MacLeod, L. (1989) *Wife Battering and the Web of Hope: Progress, Dilemmas and Visions of Prevention*. Ottawa: Health & Welfare Canada; Walker, G.A. (1990). *Family Violence and the Women's Movement: The Conceptual Politics of Struggle*. Toronto: University of Toronto Press.

¹⁰ The Ministry of Community and Social Services funds 98 shelter agencies under the Violence against Women Prevention program and an additional 8 shelter agencies under the Aboriginal Healing and Wellness Strategy.

¹¹ Caragata, L. & Hardie, S. (1998). *Taking Responsibility for Homelessness: An Action Plan for Toronto*, Background Papers, Volume I and Volume II. Wilfrid Laurier University.

¹² The Ministry of Community and Social Services funds over 100 counselling agencies. These generic multi-service agencies include Family Service Ontario member agencies, multi-service agencies that focus on specific ethnic or immigrant populations and health related agencies such as community health centres.)

¹³ Statistics Canada. (1993). *Survey on Violence Against Women*. Ottawa.

¹⁴ Jaffe, P., Wolfe, D., & Wilson, S. (1990). Op.Cit.

¹⁵ Crawford, M. and Gartner, R. (1992) *Woman killing, intimate femicide in Ontario: 1974-1990*. Toronto, ON, Canada: The Women We Honour Action Committee.

¹⁶ Mustard, F.J. & McCain, M. (1999). *Reversing the real brain drain: Early years study final report*, p. 5. Toronto, ON: The Canadian Institute for Advanced Research.

¹⁷ Currently, there are eight PAR programs associated with the Domestic Violence Courts (DVC), administered through the Ministry of the Solicitor General. These DVC programs provide a minimum of 16 weeks of educational group counselling and a victim outreach component. The DVC programs are located in urban sites (such as Toronto and Ottawa),, which result in a large volume of participants.

There are a further 30 programs jointly administered through the Ministry of the Solicitor General and the Ministry of Correctional Services' Probation & Parole (P & P) service. These P & P programs provide between 8 to 20 weeks of educational group counselling and a victim outreach component. The length of these programs varies due to inadequate funding and inconsistent funding formulae. The P & P programs are located in both small and large cities.

Within these programs, there are approximately 1,400 P & P PAR and 1,500 DVC PAR spaces for male batterers, on an annual basis. The existing P & P PAR programs are facing lengthy waiting lists, some as long as six months. The Ministries of the Solicitor General and Correctional Services estimate that the waiting list for 1998/99 (from April 1, 1998 to March 31, 1999) was in excess of 1,284 (i.e. men who had been referred by probation and who could not immediately access a space in the program). Spaces in PAR programs for men who want to voluntarily participate are all but non-existent.

¹⁸ Statistics Canada (in the 1993 survey on Violence Against Women) determined that 3% of the total female population have experienced domestic violence, on an annual basis. Statistics Canada also reports (1998) a female population of 4,500,000 over 18 years of age in Ontario. We estimate that in any one year in Ontario, there are 135,000 victims of violence in marital or common-law relationships (i.e. $3\% \times 4,500,000 = 135,000$). This figure underestimates the actual total of domestic violence occurrences, because an additional 1.9% or 85,000 women are abused in Ontario each year in dating relationships.

Having estimated the number of victims of domestic violence, we assume that there are approximately 135,000 violent partners (one violent partner for each victim). In addition, if there is an average of 2 children per family, and assuming that 43% of all children who live in violent households have been exposed to that violence, then 120,000 are exposed to domestic violence in Ontario each year. (Johnson, 1996)

More than half (53%) of all incidents of domestic violence occurring in married or common-law relationships involve situations in which the victim suffers injuries or fears for her life. (These figures are in accordance with information reported by Holly Johnson, Canadian Centre for Justice Statistics, Ottawa.)

In any given year in Ontario, the most serious occurrences of domestic violence involve 70,000 victims, 65,000 children and 70,000 offenders.

Domestic violence statistics tend to arouse great debates. Some advocates believe that research underestimates the real incidence of violence. Some critics feel that the incidence of violence against women tends to be exaggerated. It was interesting for us to find some independent validity for the Statistics Canada 1993 survey. The 8,000 batterers convicted by court, as an actual yearly number, was reported by the Ministry of Solicitor General and the Ministry of the Attorney General. The 1993 Statistics Canada survey estimated that out of 135,000 abused women only 26% report to Police. Of those, only 28% of men are charged, and of those, only 80% end up in formal criminal proceedings. In other words, only 1 out of 17 woman abuse cases will end up in court (i.e. $26\% \times 28\% \times 80\% = 5.6\%$ or 1 in 17). One of 17 cases, out of 135,000 Statistics Canada cases equals 8,000 individuals. This figure (from the Ministries of the Solicitor General and the Attorney General), is independent support for the Statistics Canada estimates.

- ¹⁹ Jaffe, P. & Burris, C.A. (1981). "The Response of the Criminal Justice System to Wife Abuse". Solicitor General of Canada, Ottawa.
- ²⁰ National Council of Juvenile and Family Court Judges (1999). Training curriculum on domestic violence. Reno, NV: Author
- ²¹ Sinclair, D. (1999). "In the center of the storm: 52 women speak out." In *Custody and access issues affecting woman abuse survivors and their children: A community response*. Steering Committee for Custody and Access Issues Affecting Woman Abuse Survivors and their Children, Oshawa, ON: Steering Committee.
- ²² Bowermaster, J. & Johnson, D. (1998). "The role of domestic violence in family court child custody determinations: An interdisciplinary investigation". Presented at the 4th International Conference on Children Exposed to Family Violence, October 21 to 24, 1998, San Diego, CA.
- ²³ Nova Scotia Law Reform Commission. (1995). *Ending Domestic Violence in Nova Scotia*. Halifax, NS: Author.
- ²⁴ Hetherington, E.M. & Stanley-Hagan, M. (1999). "The adjustment of children with divorced parents: A risk and resiliency perspective." *Journal of Child Psychology, Psychiatry & Allied Disciplines*, 40 (1), pp.129-140.
- ²⁵ Brandwein, R.A. (1999). *Battered women, children, and welfare reform: The ties that bind*. Thousand Oaks, CA: Sage Publications Inc.

²⁶ Jaffe, P. & Geffner, R. (1998). "Child custody disputes and domestic violence: Critical issues for mental health, social service, and legal professionals." In G.W. Holden et al. *Children exposed to marital violence: Theory, research, and applied issues*, pp. 371-408. Washington, DC: American Psychological Association.

²⁷ The committee is grateful to Daphne Hayes, a consultant to OPP, Behavioural Sciences Unit, OPP Inspector Kate Lines, and Eileen Morrow of the Ontario Association of Interval and Transition Houses, for their assistance in drafting the *Victim's Statement of Risk* form.

²⁸ Kropp, P. Randall. (1995). *The Manual for the Spousal Assault Risk Assessment Guide*, (Second Edition), The British Columbia Institute Against Family Violence, Vancouver.

²⁹ Kropp, P. Randall. (1995). *Ibid*, page 5.

³⁰ Hodges, Karen. (1994). "Wife Assault: The Findings of a National Survey". *Juristat*, Vol. 1, No. 9, March 1994.

³¹ Dupuis, Jacqueline. (1985). "L'Urgence, le premier contact", *Nursing Quebec*, Vol. 5, No. 5.

³² Kaye, Marcia. (1998). "Gender Hospital". *Canadian Living*: August 1998.

³³ Sudermann, M.S. and Jaffe, P.G. (1999). *Handbook for Health and Social Service Providers & Educators on Children Exposed to Woman Abuse / Family Violence*. Ottawa, ON: Health Canada.

³⁴ National Network to End Domestic Violence Fund, 666 Pennsylvania Avenue SE, Suite 303, Washington, DC, 202543 – 5566.

³⁵ Mustard, F.J. (1999). *Op.Cit.*

³⁶ London Family Court Clinic, 1998 Annual Report. London, ON: Author.

³⁷ The overlap between childhood exposure to domestic violence and adult criminality and battering is cited in Dutton, D.G. (1998), *The Batterer*. Basic Books: New York, NY.

³⁸ Gutierrez, S. (1999). California Proposition 10 – "California Children and Families First Act of 1998", presented at the Solution for Children in Crisis Conference, Children's Institute International's 1999 National Forum, June 2-4, 1999, Los Angeles, CA. The inside word on proposition 10, California's Tobacco Tax, for young children.

LIST OF REFERENCES

LIST OF REFERENCES

Bala, Nicholas M.C. (1998). A differentiated legal approach to the effects of spousal abuse on children: The Canadian context. Submitted for inclusion in publication of proceedings of 2nd International Conference on Children Exposed to Family Violence, edited by Geffner, Jaffe & Sudermann, to be published by Haworth Press.

Bala, Nicholas M. C. et al. (1998). Spousal violence in custody and access disputes: Recommendations for reform. Status of Women Canada.

Beaudrey, M. (1985). *Battered Women*. Montreal: Black Rose Books.

Bowermaster, J., Johnson, D. (1998) "The role of domestic violence in family court child custody determinations: An interdisciplinary investigation". Presented at the 4th International Conference on Children Exposed to Family Violence, October 21 and 24, 1998. San Diego, CA.

Brandwein, R.A. (1999). *Battered women, children, and welfare reform: The ties that bind*. Thousand Oaks, CA: Sage Publications Inc.

Bunge, Valerie Pottie & Levett, Andrea. (1998). *Family Violence in Canada: A Statistical Profile*. Ottawa, ON: Statistics Canada.

Campbell, Jacquelyn. (1995). Prediction of homicide of and by battered women. In J.C. Campbell (Ed.), *Assessing dangerousness: Violence by sexual offenders, batterers, and child abusers* (pp. 96-113). Thousand Oaks, CA: Sage Publications Inc.

CAPRO. (1998). *Rural Ontario Voices Against Violence: Policy and Program Recommendations*. Ontario: Author (Community Abuse Program of Rural Ontario).

Caragata, L. & Hardie, S. (1998). *Taking Responsibility for Homelessness: An Action Plan for Toronto*, Background Papers, Volume I and Volume II. Wilfrid Laurier University.

Carbon, Susan. B, MacDonald, Peter & Zeya, Seema. (1999). Enforcing domestic violence protection orders throughout the country: new frontiers of protection for victims of domestic violence. *Juvenile and family court journal*. Spring 1999.

Centre for Research on Violence Against Women and Children. (1995). *Selected estimates of the costs of violence against women*. London, ON: Author, University of Western Ontario.

Children's Institute International. (1998). Project ERIN (emergency response intervention network): Caring for the needs of battered women and their children. *The CII Forum. Issues From the Front Line of Practice in Child Abuse Prevention, Treatment and Training*, Spring/Summer.

Crawford, M. & Gartner, R. (1992). *Woman killing, intimate femicide in Ontario: 1974-1990*. Toronto, Ontario, Canada: The Women We Honour Action Committee.

Davis, David A. et al. (1995). Changing physician performance. A systematic review of the effect on continuing medical education strategies. *JAMA*, 274(9).

Dupuis, Jacqueline. (1985). "L'Urgence, le premier contact". *Nursing Quebec*, 5(5): 24.

Dutton, D.G. (1998). *The Batterer*. Basic Books: New York, NY.

Edleson, Jeffrey L. (1995). *Responding to violence and abuse: Educating Minnesota professionals for the future. A report to the statewide task forces of the Minnesota Higher Education Center Against Violence and Abuse*. <http://www.mincava.umn.edu>

Family Violence Prevention Fund. *Men and domestic violence: an introduction*. <http://www.ipc.org/fund/men/>

Ferris, Lorraine E. et al. (1998). Defining the physician's duty to warn: consensus statement of Ontario's Medical Expert Panel on Duty to Inform. *Canadian medical association journal*, 158.

Ferris, Lorraine E. & McMain-Klein, Margot. (1997). Documenting wife abuse: a guide for physicians. *Canadian medical association journal*, April 1997.

Gabinet, Irene. (1996). *St. Joseph's Health Centre Woman Abuse Protocol*. Toronto, ON: St. Joseph's Health Centre.

Gartner, Rosemary, Dawson, Myrna & Crawford, Maria. (1998/99). Woman killing: intimate femicide in Ontario, 1974-1994. *Resources for feminist research*, 26(3/4).

Greaves, L., Hankivsky, O., & Kingston-Riechers, J. (1995). "Selected Estimates of the Costs of Violence Against Women". Centre for Research on Violence Against Women and Children; a collaborative venture of Fanshawe College, The London Coordinating Committee to End Woman Abuse and the University of Western Ontario.

Gutierrez, S. (1999) California Proposition 10 –"California Children and Families First Act of 1998", presented at the Solution for Children in Cirsis Conference, Children's Institute International's 1999 National Forum, Jun 2 – 4, 1999. Los Angeles, CA.

Hetherington, E.M. & Stanley-Hagan, M. (1999) "The adjustment of children with divorced parents: A risk and resiliency perspective." *Journal of Child Psychology, Psychiatry & Allied Disciplines*, 40 (1), pp. 129-140.

Hodges, Karen. (1994). "Wife Assault: The Findings of a National Survey". *Juristat*, Vol. 1, No. 9, March 1994.

Jaffe, P. & Burris, C.A. (1981). "The Response of the Criminal Justice System to Wife Abuse". Solicitor General of Canada, Ottawa.

Jaffe, P., Wolfe & D., Wilson, S. (1990). *Children of Battered Women*. Thousand Oaks, CA: Sage Publications Inc.

Jaffe, Peter G. & Geffner, Robert. (1998). Child custody disputes and domestic violence: Critical issues for mental health, social service, and legal professionals. In G. W. Holden, R. Geffner, and E.N. Jouriles (eds.), *Children exposed to marital violence: Theory, research, and applied issues* (pp 371-408). Washington, DC: American Psychological Association.

National Council of Juvenile and Family Court Judges (1999). Training curriculum on domestic violence. Reno, NV: Author

Johnson, Holly. (1996). *Dangerous domains: Violence against women in Canada*. Toronto, Ontario: Nelson Canada. Canadian Centre for Justice Statistics.

Kaye, Marcia. (1998). "Gender Hospital". *Canadian Living*: August 1998.

Klein, Ethel, Campbell, Jacquelyn, Soler, Esta & Ghez, Marissa. (1997). *Ending domestic violence: Changing public perceptions/halting the epidemic*. Thousand Oaks, CA: Sage Publications Inc.

Kropp, P. Randall et al. (1995). *The manual for spousal assault risk assessment guide*. (2nd ed.). Vancouver: B.C. Institute on Family Violence.

Lent, Barbara. (1997). Responding to our abused patients. *Canadian medical association journal*, 157(11).

London Family Court Clinic, 1998 Annual Report. London, ON: Author.

MacLeod, L. (1989) *Wife Battering and the Web of Hope: Progress, Dilemmas and Visions of Prevention*. Ottawa: Health & Welfare Canada.

MacDonald, L.P. (1989). Transition Houses and the Problem of Family Violence. In B. Pressman, G. Cameron & M. Rothery (eds.) *Intervening with Assaulted Women: Current Theory, Research & Practice*, pp. 111-123. NJ: Lawrence Erlbaum Associates.

Marten, Fern & Younger-Lewis, Catherine. (1997). More than meets the eye: recognizing and responding to spousal abuse. *Canadian medical association journal*, 157(11).

Mustard, Fraser J. & McCain, Margaret. (1999). *Reversing the real brain drain: Early years study final report*. Toronto, Ontario: The Canadian Institute for Advanced Research.

National Council of Juvenile and Family Court Judges. (1994). *Family violence: A model state code*. Reno, Nevada: Author.

Nova Scotia Law Reform Commission. (1995). *Ending Domestic Violence in Nova Scotia*. Halifax, NS: Author.

Ontario Association of Interval and Transition Houses. (1998). *Falling through the gender gap: How Ontario government policy continues to fail abused women and their children*. Toronto: Author.

Ontario Association of Children's Aid Societies. (1997). *Ontario Child Welfare Eligibility Spectrum*. Toronto: Author.

Ontario Government Release. (1998). *Aboriginal healing and wellness strategy annual report 1997/98*.

Ontario Government Release. (1997). *Risk assessment model for child protection in Ontario*. Ministry of Community and Social Services, October.

Reynolds, Christine & Schweitzer, Ann. (1998). *Responding to woman abuse: a protocol for health care providers*. London, ON: London Battered Women's Advocacy Centre.

Sinclair, Deborah. (1999). In the centre of the storm – 52 women speak out. *Custody and access issues affecting abused women and their children: A community response*. Steering Committee for Custody and Access Issues Affecting Woman Abuse Survivors and their Children. Oshawa, ON: Steering Committee.

Statistics Canada. (1993). Survey on Violence Against Women. Ottawa.

Statistics Canada. (1999). Family violence in Canada: A statistical profile, 1997. *The Daily*. June 11, 1999.

Statistics Canada. (1999). Shelters for abused women 1997/98. *The Daily*. June 11, 1999.

Struthers, Marilyn. (1995/96). The walrus and the carpenter and the prevention of violence against women. *Trans/form: insurgent voices in education*.

Struthers, Marilyn. (1994). At a crossroads in the work to end the violence: a rural perspective. *Canadian woman studies*. 14, 4: 15-18.

Sudermann, M.S. & Jaffe, P.G. (1999). *Handbook for Health and Social Service Providers & Educators on Children Exposed to Woman Abuse / Family Violence*. Ottawa, ON: Health Canada.

Taylor, Imogen. (1991). For better or for worse: Caring and the abused wife. In C. Baines, P. Evans & S. Neysmith (eds.), *Women's caring: Feminist perspectives on social welfare* (pp. 204-233). Toronto, Canada: McClelland & Stewart, Inc.

Walker, G.A. (1990). Family Violence and the Women's Movement: The Conceptual Politics of Struggle. Toronto: University of Toronto Press.

Websdale, Neil, Town, Michael & Johnson, Byron. (1999). Domestic violence fatality reviews: from a culture of blame to a culture of safety. *Juvenile and family court journal*. Spring 1999. 50(2): 61-74.

Western Australian Government. (1999). *Freedom from fear campaign against domestic violence*. <http://www.freedomfromfear.wa.gov.au>

Western Australian Government. (1999). *How to deal with domestic violence: a self-help book for men who want to change*. <http://freedomfromfear.wa.gov.au/menshelp/content.htm>

Woman Abuse Council of Toronto. (1999). *A protocol for the specialized courts: Commitments to a coordinated response to domestic violence*. Toronto: Author.

Woman Abuse Council of Toronto. (1998). *Review: Participating agencies in the coordinated community intervention model*. Toronto: Author.

Woman Abuse Council of Toronto. (1998). *An overview of the specialized domestic courts in Toronto 1997/98*. Toronto: Author.

Videos

Ontario Government (1998). *Victim Assistance: In a Time of Need*. Ministry of Solicitor General and Correctional Services.

COGECO Community Television and CHEX-TV. (1998). *Crossing the Line: A program that addresses the issues of woman abuse and the action taken by Peterborough Hospitals and involved community agencies*.

APPENDICES

APPENDIX A

LIST OF PEOPLE WHO MET WITH THE JOINT COMMITTEE ON DOMESTIC VIOLENCE

- PAULINE AVGEROPOULOS, COURT OPERATIONS, COURT SERVICES DIVISION, MAG
- TRISH BAYNHAM, COMMUNITY SERVICES, MCSS
- DEBORAH BENNETT, POLICY BRANCH, MAG
- RUTH CARLISLE, POPULATION HEALTH STRATEGIES UNIT, MOHLTCLTC
- ELIZABETH CARLTON, ONTARIO HOSPITAL ASSOCIATION
- JUDI COOPER, VICTIM CRISIS ASSISTANCE & REFERRAL SERVICE, MSG
- MARIA CRAWFORD, WOMEN WE HONOUR ACTION COMMITTEE
- MINNIE DE JONG, COMMUNITY SERVICES, MCSS
- TOM FENDLEY, O.P.P. SIMCOE COUNTY
- IRENE GABINET, WOMAN ABUSE PROJECT, ST. JOSEPH'S WOMEN'S HEALTH CENTRE
- ROSEANNA GIANCRISTIANO, COURTS ADMINISTRATION, MAG
- GAIL GLICKMAN, CROWN POLICY MANUAL REVIEW TEAM, MAG
- JULIA HANIGSBERG, POLICY BRANCH, MAG
- AILSA HAMILTON, INTEGRATED JUSTICE, MSG
- DAPHNE HAYES, CONSULTANT DEVELOPING RISK ASSESSMENT CHECKLIST FOR OPP
- PHIL JACKSON, POPULATION HEALTH, MOHLTCLTC
- HOLLY JOHNSON, CANADIAN CENTRE FOR JUSTICE STATISTICS
- LINDA KAHN AND SAL BIDALI, OPERATIONAL REVIEW OF CRIMINAL LAW DIVISION
- FELICITY LEADER, COURT SUPPORT, MSG
- DR. BARBARA LENT, CHAIR, GENDER ISSUE CONCERNS COMMITTEE, COUNCIL OF ONTARIO FACULTIES OF MEDICINE
- KATE LIONS AND JIM VAN ALLEN, BEHAVIOURAL SCIENCES UNIT, OPP
- JANINE MACEY, DOMESTIC VIOLENCE COURTS, MAG
- CONNIE MAHAFFEY, METRO TORONTO EAST DETENTION CENTRE
- ROSA MARTELLI, COURTS ADMINISTRATION, MAG
- EUGENE McDERMOTT, CRIMINAL LAW DIVISION, MAG
- JANE McFARLANE, INTERMINISTERIAL INITIATIVES, MSG
- EILEEN MORROW, OAITH
- LOUISE MOYER, VICTIM SERVICES UNIT & MARYANN FAULHABER, RESEARCH SERVICES, MSG
- MARY NEILL, WOMEN'S HEALTH COMMITTEE, WOMAN ABUSE COUNCIL
- MARY NETHERY CROWN POLICY MANUAL REVIEW TEAM, MAG
- ROGER NEWELL, BELL CAIRN STAFF DEVELOPMENT CENTRE, MCS
- TERRY NICHOLLS, OPP LIAISON, MSG
- SUSAN PHYSICK, VICTIM/WITNESS ASSISTANCE PROGRAM, MAG
- NICK ROLLER, COURT SERVICES, MAG
- VIRGINIA ROWDEN, CHILD WELFARE REFORM, MCSS
- KENT SALIWONCHYK, CROWN OFFICE (Durham), MAG
- MICHELLE SANBORN, JUSTICE AND VIOLENCE PREVENTION, OWD
- MARSHA SFEIR, EDUCATION WIFE ASSAULT
- LINDA SPEARS, VICTIM SERVICES UNIT, MSG
- GREG SONES, POLICING SERVICES DIVISION, MSG
- KATHY THOMSON, VICTIM SERVICES UNIT, MSG
- CHARLENE YEATES, POLICING SERVICES DIVISION, MSG
- INDIVIDUAL WOMEN AND MEN WHO SHARED THEIR EXPERIENCES

APPENDIX B

VICTIM'S STATEMENT OF RISK

The order in which the risk factors are listed does not necessarily reflect the significance of behaviour or action, or of an offender's potential for violence. Indicator in isolation or in culmination may be indicative of a high level of risk to the victim, their children or others. Often the greater the number of indicator or the greater the intensity of indicator, the greater the risk of harm to victims.

(Computer check box format in right margin will include: Yes/No/Unknown. Explanations should be included in the victim's statement or case synopsis.)

- 1a. Has your partner assaulted/threatened you before?
- 1b. Have you been injured in prior assaults?
- 1c. Has there been a recent increase in assaults/threats?

- 2a. Has there been a recent change or separation in your relationship?
- 2b. Has there been a change in contact between your partner and the children?

- 3a. Is your partner jealous of you?
- 3b. Does your partner stop you from seeing family, friends or anyone else?

- 4a. If you are not separated from your partner, is your partner preoccupied or obsessed with you? (For example, is your partner making repetitive phone calls, or checking your movements and contacts?)
- 4b. If you are separated from your partner, has your partner stalked you, the family or others? (E.g. harrassing phone calls, watching, tampering with personal property, sending unwanted gifts/letters, following, contacting you through third party, frequenting work place, etc.)

- 5a. Has your partner injured or killed your pet?
- 5b. Has your partner destroyed or threatened to destroy your personal property?

- 6a. Has your partner threatened/attempted suicide?
- 6b. Has your partner threatened to harm/kill the children?
- 6c. Has your partner threatened to harm/kill any other family members or acquaintances?
- 7a. Has your partner experienced any unusual stress recently? (Such as losing a job.)
- 8a. Does your partner abuse drugs and/or alcohol?
- 8b. Is your partner more aggressive or violent when using drugs or alcohol?

- 9a. Does your partner demonstrate bizarre/unexplained behaviour?

- 10a. Does your partner have mental health problems?

- 11a. Has your partner sexually abused you?

- 12a. Does your partner show disrespect regarding authority /law/Police/courts?

12b. Has your partner breached any court order, such as bail conditions or a restraining order?

13a. Does your partner own/have access to firearms or weapons?

13b. Does your partner have a Firearms Acquisition License?

13c. Has your partner recently applied for a Firearms Acquisition License?

13d. Has your partner threatened the use of any firearm or weapon against you, the children or any other person?

14a. Do you fear that your partner will seriously injure or kill you?

14b. Do you fear that your partner will seriously injure or kill the children?

15a. Is there anything else that is causing you to fear your partner?

Distribution List

Bail Brief

Crown Brief

Victim's Copy

Victim's Signature _____ Date _____

Witness' Signature _____ Date _____

APPENDIX C

MY PERSONAL SAFETY PLAN

Important: It is a good idea to talk to shelter staff or other safety planning expert about additional safety planning to meet the needs of your particular, unique situation.

Step 1: Safety during a violent incident. Victims cannot always avoid violent incidents. In order to increase safety, battered victims consider some or all of these strategies.

- If I decide to leave, I will _____.
(Practice how to get out safely. What doors, windows, elevators, stairwells or fire escapes will you use?)
- I can keep my purse/wallet/identification, passports, car keys, emergency cash ready and put them in (place) _____ in order to leave quickly.
- I can tell (list two trusted friends/neighbours and their phone numbers) _____ about the violence and request they call the Police if they hear suspicious noises coming from my house or if they cannot locate me.
- I can teach my children how to use the telephone to contact the Police and to provide quick and accurate information including directions to our home and neighbourhood.
- I will use _____ as my code word with my children or my friends so they can go for help.
- If I have to leave my home, I will go to _____. (Decide this even if you don't think there will be another violent incident). If I cannot go to the above location, then I can go to _____.
- I can also teach some of these strategies to my children.
- When I expect my partner and I are going to have an argument, I will try to move to a space that is lowest risk such as _____. (Remember to avoid the bathroom, kitchen, garage, rooms containing weapons and rooms without access to the outside.)
- I will use my judgment and intuition. If the situation is very serious, I should consider doing what I know will calm my partner down. I must remember that I have to protect myself and the children until we are out of danger.

Step 2: Safety When Preparing To Leave. Battered victims frequently leave the residence they share with the battering partner. Leaving must be done strategically in order to increase safety. Batterers often strike back when they believe that a battered partner is leaving the relationship. Victims can use some or all of these strategies:

- I will leave money and an extra set of keys with _____ so I can leave quickly.
- I will keep copies of important documents at _____.
- I will open a savings account by (date) _____ in order to increase my independence.
- Other things I can do to increase my independence include: _____.
- The Local Rape Crisis Centre Telephone Number is: _____.
- The Local Women's Shelter Telephone Number is: _____.
- The local Women and Children's Crisis Centre Telephone Number is: _____.
- To make emergency phone calls and to keep them private, I can keep change and Quick Change (an anonymous phone card) with me at all times. I understand that if I use my telephone credit card, the next month's bill will reveal the numbers I have called recently, including those made after I left. If I need a new telephone credit card immediately, I could borrow one from a friend for a limited time when I first leave. I will check with the phone service to make sure that the last number I have called cannot be accessed by my partner.
- I will contact _____ and _____ for a temporary place to stay and for emergency financial assistance.
- I can leave extra clothes with _____.
- I will sit down and review my safety plan every _____ (week? 2 weeks? month?) in order to plan the safest way to leave the residence. My case worker or friend _____ has agreed to help me review this plan.
- I will rehearse my escape plan and, as appropriate, practice it with my children.

Step 3: Safety in My Own Residence. There are many things that a victim can do to increase safety in their own residence. It may be impossible to do everything at once, but safety measures can be added step by step. Safety measures I can consider include:

- Can I change the locks on my doors and windows as soon as possible.
- Can I replace wooden doors with steel/metal doors.
- Can I install security systems including additional locks, window bars, poles to wedge against doors, an electronic system with 'panic button' etc.
- Can I purchase rope ladders to be used for escape from second floor windows.
- Can I install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
- Can I install an outside lighting system that lights up when a person is coming close to my home.
- I will teach my children how to use the telephone to make a collect call to me and to (trusted friend/neighbour/relative) _____ in the event that my partner abducts the children.
- I will teach my children a code word that grants them permission to leave with a person other than myself only when that person uses that code word in direct communication with my children.
- I will remember to give my code word to the person(s) I instruct to collect my children in an emergency or any other unusual situation AND I will change the code word with my children frequently.
- I will tell people who take care of my children which people have permission to pick up my children and that my partner is not permitted to do so. The people I will inform about pick-up permission include:

(school) _____
(daycare staff) _____
(baby-sitter) _____
(Sunday School teacher) _____
(teacher) _____
(coach/instructor) _____
(others) _____

- I can inform (neighbour) _____, (religious leader) _____, and (friend) _____ that my partner no longer resides with me and they should call the Police if he is observed near my residence.

Step 4: Safety with a Court Order (peace bond{810, 810.2 Criminal Code}, release/bail conditions, recognizance with conditions, conditions of probation order)

Some batterers obey court orders such as peace bonds, where they promise the court that they will abide by all terms and conditions of such an order. Unfortunately, one can never be sure which violent partner will obey and which will violate a court order. Here are some steps that a person can take to help enforce her partner's court order:

- I recognize that I will have to report to the Police when my partner breaches any conditions of the court order. If the Police do not assist me, I will report the breach of the court order to the Detachment Commander of the local OPP detachment or to the Officer In Charge or to the Police Chief of the Police Service in the jurisdiction where the court order was violated. I understand that my partner may be charged if I contact him.
- I will get a copy of my partner's court order from the court office located at _____ and keep it with me at all times. (If you change purses/wallet, that's the first thing to go in).
- If my partner destroys my copy of his/her court order, I can get another copy from the court located at: _____.
- If I relocate to another city/town, or if I work in a city/town other than where I reside, I will notify the Police service/OPP detachment in that city/town, of my new address/work location AND of my partner's violent behaviour and the details of his court order.
- For further safety, if I often visit other cities/towns/countries, I will notify the Police service in the jurisdiction I am visiting, of my partner's violent behaviour and the details of his court order.
- I will inform my employer _____, religious leader _____, closest friend _____, my outreach worker at the local safety network or shelter and _____, that a court order has been issued against my partner, including all of the conditions that effect myself and my children.

Step 5: Safety on the Job and In Public: Each victim must decide if and when they will tell others that their partner can become violent and that they may be at continued risk. Friends, family and co-workers can help to protect the victim. Each victim should consider carefully which people to invite to help secure her safety. A victim could do some or all of the following:

- I can inform my boss, the security supervisor, and _____ (secretary, co-workers etc), at work of my situation.

- I can ask _____ to help screen my telephone calls at work. I can also make use of telephone voice messaging to screen my calls.
- When leaving work, I can walk from the building _____ (accompanied by security, co-workers, friends) to ensure my safety.
- If problems occur while I am driving home, I can _____ (use my cellular telephone, in-car telephone, personal sound-alarm; honk my horn continuously, drive directly to a well-lit public place that is open and heavily people-populated, drive directly to the local Police service/OPP detachment for assistance).
- If I use public transit, I can _____ (sit close to the front by the driver; arrange to have someone meet me at my bus stop and walk me home, once I arrive home, call a friend or relative to let them know I arrived safely).
- I can use different grocery stores and shopping malls to conduct my business and shop at hours that are different from those I used when living with my partner.
- I can also _____.

Step 6: Safety and Drug or Alcohol Consumption: Most people in our culture consume alcohol. Many consume mood-altering drugs. Much of this consumption is legal and some is not. The legal outcomes of using illegal drugs can be very hard on a battered victim, may hurt relationships with the victim's children, and put the victim at a disadvantage in other legal actions with the battering partner. Therefore, victims should carefully consider the potential cost of the use of illegal drugs. But beyond this, the use of any alcohol and other drugs can reduce a victim's awareness and ability to act quickly to protect both the victim and the victim's children from the batterer. Furthermore, the use of alcohol or other drugs by the batterer may give the batterer an excuse to use violence. Therefore, in the context of drug or alcohol consumption, a victim needs to make specific plans. They may include some or all of the following:

- If I am going to consume, I can do so in a safe place and with people who understand the risk of violence and are committed to my safety.
- I can also (call a friend, call alcoholics anonymous sponsor, etc) _____.
- If my partner is consuming, I can (leave with the children, call a friend, call a friend of my partner's) _____.

- To safeguard my children, I can (remove them from the scene where my partner is consuming) _____.

Step 7: Safety and My Emotional Health. The experience of being battered and/or verbally degraded by partners is usually exhausting and emotionally draining. The process of building a new life for yourself takes much courage and incredible energy. Here are some things a person can do to conserve emotional energy and resources and to avoid hard emotional times:

- If I feel down and ready to return to a potentially abusive situation, I can (call a friend, relative or shelter worker for support) or, _____.
- When I have to communicate with my partner in person or by telephone, I can (advise him I am recording what he is telling me and then I will do so, I will arrange to have a trusted friend or close adult relative present during these meetings/communications, or make arrangements for all communication to go through a lawyer or another unbiased third party) or _____.
- I can use “I can” Statements with myself and be assertive with others.
- I can tell myself, “I’m in charge of my life and confident in my decision making abilities or (other positive statements about my abilities) _____” when I feel others are trying to control or abuse me.
- I can read (my bible, poetry, self-help resources) or _____ to help me feel stronger.
- I can call (names of friends, family, other support people) _____ to be of support to me.
- Other things I can do to help me feel stronger are _____.
- I can attend workshops and support groups offered through the church, community resource centre, women’s shelter or women’s resource centre or Health Unit located at _____ to gain support and strengthen my relationships with other people.

Step 8: Items to take with me when leaving: When victims leave partners, it is important to take certain items with them. Beyond this, victims sometimes give an extra copy of papers and an extra set of clothing to a friend just in case they have to leave quickly. Items with asterisks on the following list are the most important to take. If there is time, the other items might be taken or stored outside the home. Items to take when leaving should be placed ahead of time in one location so that they can be grabbed quickly if one has to leave quickly. Items to take:

1. My Identification(birth certificate, Driver's License, passport etc)	*
2. Children's Birth Certificates	*
3. Social Insurance Cards	*
4. My partner's social Insurance number	*
5. My health card	*
6. My children's health cards	*
7. School and Vaccination Records	*
8. Money	*
9. Cheque book, ATM card	*
10. Credit cards	*
11. Bank books	*
12. Keys - house, car, office	*
13. Medications/prescriptions	*
14. Custody Orders	*
15. Welfare/Mother's Allowance Identification	*
16. Work permits	*
17. Lease/Rental agreements, property deed(s)	*
18. Mortgage payment documents	*
19. Photographs	
20. Jewelry	
21. Small salable objects	*
22. Immigration papers	*
23. Passports	*
24. Divorce documentation	*
25. Medical records for all family members	*
26. Insurance papers	
27. Address book	
28. Children's favorite toys and/or blankets	
29. Items of special sentimental value	
30. Vehicle ownership documents	*
31. Government of Ontario Senior's Card	*
32. Native Person Status Card/documentation	*
33. Employment/pension documentation	*

Telephone Numbers I Need To Know:

Police, Fire, Ambulance: 911 or _____

Shelter for Women: _____

Rape Crisis Line: _____

Women and Children's Crisis Line:

Kid's Help Phone: 1-800-668-6868. Nationwide, 24 hrs., both French and English; not just a crisis-line but to answer any question anytime.

Victim Support Line: 1-888-579-2888 or in Toronto: 314-2447.

Victim Support Line: Internet address: www.gov.on.ca/vicline

Doctor: _____

Religious Leader: _____

Lawyer: _____

Work: _____

Work Supervisor's Home: _____

Children's School: _____

Children's Daycare: _____

Social Worker: _____

Other Important Number: _____

Contact Police officer:

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

NOTES/OTHER PHONE NUMBERS

NOTES/OTHER PHONE NUMBERS

APPENDIX D

CHILDREN'S SAFETY PLAN

Children require a safe environment in which to live. When their home-life is a battle-ground involving the adults who live there, it can be traumatic and possibly dangerous. As the non-violent caregiver, you need to develop a safety and escape plan with your children. This plan provides safeguards for your children and a means for them to alert immediate emergency assistance for you. The children need to understand that the violence is not their fault nor is it their responsibility to try to intervene in an attempt to protect you from your abusive partner.

I will provide the following for my children:

- I will set up a safe room in our home for the children to go to in the event that my partner becomes abusive. This room will be (if possible), on ground level so the children can leave through a window if necessary.
- The safe room will have a lock on the door and a cellular/cordless phone in a location known only by the children and I, with the Police emergency number preprogrammed on a speed dial.
- The children will become familiar with the telephone and the location of the emergency speed dial key. We will practice saying, someone is hurting my mommy (or: daddy/ aunt / stepmom / stepdad / etc) just in case one of the children has to call the Police.
- I will teach the children to take the telephone inside the closet in the safe room when they call the Police. The children will not hang up the phone after they call. I will teach them to stay on the line with the Police operator until the Police arrive at our house.
- I will teach my children our home phone number and complete address, including directions:

- The children and I will have a predetermined code word, _____ to alert the children to go immediately to the safe room. We will have an additional code word _____ to alert the children to immediately leave our home and to run to, _____ our pre-arranged emergency friend: (our neighbour's house, or the corner store, or a Block Parent house, etc) and to have an adult call the Police.
- The children know the location of the emergency friend and the fastest route to get there, _____.
- The children will contact their pre-arranged emergency care-giver, (my closest friend: _____, or, their grandparents _____, or, our religious leader _____, or another pre-selected responsible adult _____), immediately after the emergency friend has called the Police.
- The children will go with the emergency friend to their home where I will meet them as soon as I am able.
- We have discussed the Neighbourhood Block Parent Program. The children are familiar with the Block Parent red and white sign and when they see it in the window of a house or a store they know it is a safe place where adults will be present and willing to help.

Appendix E

THE COMMUNITY REPORT CARD

This community development tool is designed to assist a community coordinating committee to work toward a more coordinated and consistent response to domestic violence. The report card contains key components that each member agency/sector of the coordinating committee, and the committee itself should work toward developing and implementing. The process of completing the report card provides a vehicle for the community to: analyze its current domestic violence response, assist in planning, and share information with the broader community. The ultimate goal of a coordinated and seamless response to domestic violence is that women's and children's safety is paramount, and that abusers are held accountable.

The following summarizes the step-by-step process of using this report card.

- 1) Convene the local coordinating committee or council in your community and get the Community Report Card on the agenda. If your community does not have a coordinating committee, you may wish to start by learning about how to put one together.
- 2) Have a discussion about the purpose and value of the Community Report Card at a coordinating committee meeting to ensure buy-in by all member agencies and/or sectors. (The report card outlines key sectors that should be involved in this process.)
- 3) Each member agency/sector completes the Community Report Card (assessing their agency's or sector's progress) and shares their assessment information with the entire coordinating committee.
- 4) The coordinating committee completes the Community Report Card based on member agencies/sectors input and assessment of community progress. The comments section of the report card provides an opportunity to identify tangible indicator of service demand, differences in assessment, by various sectors, of specific components, and key issues for discussion and planning for subsequent work by the coordinating committee.
- 5) Once your coordinating committee has approved the Community Report Card (there is a space for all member agencies/sectors to sign-off) it should be forwarded to the Ontario Women's Directorate (for consolidation toward a Provincial Report Card).

The following rating scale reflects the long-term process needed to achieve the goal of a coordinated response. Use this scale to assess your agency's/sector's and community's progress.

- 1 – does not exist
- 2 – under active discussion and development
- 3 – fully developed
- 4 – ongoing monitoring and evaluation
- 5 – model program (best practice)

Agency/Sector Assessment

THE COMMUNITY REPORT CARD

Complete this section of the report card first, prior to participating in the coordinating committee's assessment of your community's response to domestic violence.

Name of Agency/Sector:

Date Completed:

Name of Community/Region:

- 1) Does your agency/sector have principles specific to domestic violence that inform your work? If so, do the principles include the following:

Rating Scale	Principles	Comments/Emerging Issues/Successes and Best Practices
	<p>principles specific to domestic violence</p> <p>principles include:</p> <ul style="list-style-type: none">• Safety• Context for domestic violence (unequal power relationship between men and women)• Accountability (transparent system and shared info)• Prevention• Early intervention• Support and advocacy for victims• Vigorous prosecution• Commitment to coordinated response/shared responsibility	

- 2) Does your agency/sector have its own policies and procedures related to domestic violence response?

Rating Scale	Policy/Procedures Related to DV Response	Comments/Emerging Issues/Successes and Best Practices
	Policies Procedures	

3) Does your agency/sector have guidelines and/or written protocols on inter-sectoral collaboration? If so, with which services/sectors?

Rating Scale	Inter-Sectoral Guidelines and Protocols	Comments/Emerging Issues/Successes and Best Practices
Inter-sectoral guidelines and protocols		
Identify which services/sectors your agency/sector has protocols and rate each <ul style="list-style-type: none"> • Police • Shelters • Community agencies • Schools • CAS • Specialized domestic violence court/process • victim crisis services • V/WAP • Probation • Other 		

4) Does your agency/sector have an accountability mechanism (feedback from service participants, etc.)? If so, please identify.

Rating Scale	Accountability Mechanism(s)	Comments/Emerging Issues/Successes and Best Practices

5) Does the staff of your agency/sector have access to ongoing continuing education and professional training on domestic violence? If so, are these opportunities inter-sectoral?

Rating Scale	Continuing Education and Professional Training	Comments/Emerging Issues/Successes and Best Practices

6) Does your agency/sector evaluate the services provided?

Rating Scale	Service Evaluation	Comments/Emerging Issues/Successes and Best Practices

7) Does the staff of your agency/sector use Risk Assessment and Safety Planning with participants of your service?

Rating Scale	Risk Assessment and Safety Planning Tools Utilized	Comments/Emerging Issues/Successes and Best Practices
Risk Assessment Safety Planning		

Community Assessment

THE COMMUNITY REPORT CARD

Name of Community/Region:

Name of Court Location:

Date Completed:

1) Are the following essential domestic violence services available in your community/region? Are the available services adequate to meet the community need?

Rating Scale	Service	Comments/Emerging Issues/Successes and Best Practices
	Emergency Response <ul style="list-style-type: none">• Police service with specialized domestic violence response model• victim crisis response• hospital-based emergency service with domestic violence protocol for screening/referral	
	Justice Services <ul style="list-style-type: none">• criminal:<ul style="list-style-type: none">• domestic violence court or specialized court process• family:<ul style="list-style-type: none">• domestic violence case management system• V/WAP• designated Crown attorney• court-related clinical assessment services• priority access to legal services for domestic violence• cultural interpreters• batterers' program	
	Victims' Services <ul style="list-style-type: none">• emergency shelter• support, counselling and advocacy• long-term counselling• sexual assault services• transitional housing• transitional supports, including access to:<ul style="list-style-type: none">• housing• employment assistance• child care	
	Children's Services <ul style="list-style-type: none">• children's mental health services with domestic violence screening and assessment• counselling for children who witness abuse• supervised access programs• school-based programs	

2) Does your community have a coordinating committee? Who participates on this committee?

Rating Scale	Community Coordination	Comments/Emerging Issues/Successes and Best Practices
	<p>Coordinating Committee Advisory Committee D.A.R.T.</p> <p>Members of the coordinating committee:</p> <ul style="list-style-type: none"> • Police • Victim crisis services/emergency response • Crown Attorney • V/WAP • Probation and Parole • Community-based support/advocacy agencies • Community-based counselling agencies • Shelters • Partner Assault Response programs • CAS • Health professionals (including hospitals/clinics) • Justice personnel • Duty counsel • Defense counsel • Cultural interpreters • Regional coroner 	

3) Does your community have agreed upon principles specific to domestic violence that inform the work of the coordinating committee? If so, do the principles include the following:

Rating Scale	Principles	Comments/Emerging Issues/Successes and Best Practices
	principles specific to domestic violence	
	<p>principles include:</p> <ul style="list-style-type: none"> • Safety • Context for domestic violence (unequal power relationship between men and women) • Accountability (transparent system and shared info) • Prevention • Early intervention • Support and advocacy for victims • Vigorous prosecution • Commitment to coordinated response/shared responsibility 	

4) Does your coordinating committee have guidelines and/or protocols on inter-sectoral collaboration?

Rating Scale	Inter-Sectoral Guidelines and Protocols	Comments/Emerging Issues/Successes and Best Practices
	Inter-sectoral guidelines and protocols	
	Identify which services/sectors have protocols and rate each <ul style="list-style-type: none"> • Police-shelters • Shelters-community agencies • Shelters – schools • CAS-Police • CAS-shelters-community agencies • Specialized domestic violence court/process – Police-victim services-V/WAP-Probation Other	

5) Do member agencies/sectors share information?

Rating Scale	Information Sharing Between Member Agencies/Sectors	Comments/Emerging Issues/Successes and Best Practices
	Qualitative information (i.e. case studies) Quantitative information about cases (i.e. stats re: # of charges, breaches, deaths, etc.)	

6) Does the coordinating committee have an accountability mechanism? Is there an agreed upon conflict resolution process for the committee?

Rating Scale	Accountability Mechanisms	Comments/Emerging Issues/Successes and Best Practices
	Accountability Mechanism Conflict Resolution Process	

7) Are there opportunities for ongoing continuing education and professional training on domestic violence in your community? If so, are these opportunities inter-sectoral?

Rating Scale	Continuing Education and Professional Training	Comments/Emerging Issues/Successes and Best Practices

8) Does your community evaluate the coordinating committee and its response to domestic violence?

Rating Scale	Evaluation of Community Response to DV	Comments/Emerging Issues/Successes and Best Practices
	Community response to domestic violence Work of coordinating committee	

10) Does your community have a public education strategy related to domestic violence?

Rating Scale	Public Education Strategy	Comments

11) Does the coordinating committee support the use of Risk Assessment and Safety Planning across the system? If so, how?

Rating Scale	Risk Assessment and Safety Planning Tools Utilized	Comments
	Risk Assessment Safety Planning	

Signatures of Member Agencies/Sectors

1) _____

2) _____

3) _____

4) _____

5) _____

6) _____

7) _____

8) _____

9) _____

10) _____

APPENDIX F

PROVINCIAL REPORT CARD

This community development tool is designed to assist the joint community and government provincial advisory committee in assessing the province's progress toward implementation of the May/Iles Jury Recommendations and the Joint Committee on Domestic Violence (JCDV) strategies for working toward a seamless community and justice response to domestic violence.

The provincial government's *Progress Report On Implementation of the Recommendations of the May/Iles Coroner's Jury* (July 8, 1999) should form the basis for identifying progress made on implementation of the jury recommendations since the submission of that report to the Coroner. The assessment should recognize that at the time the provincial advisory will complete this report card (July 2000) another year would have lapsed and further progress on implementation will have been made.

This Provincial Report Card contains a synopsis of the key initiatives from the JCDV's report that are recommended for full implementation at the end of year 1 (or August, 2000). Each initiative identifies the ministry, organization or association responsible for implementation.

The following rating scale reflects the long-term process needed to achieve the goal of a coordinated response. Use this scale to assess the province's progress.

- 1 – does not exist
- 2 – under active discussion and development
- 3 – fully developed
- 4 – ongoing monitoring and evaluation
- 5 – model program (best practice)

PROVINCIAL REPORT CARD

JCDV CRITICAL STRATEGY AND RECOMMENDATION FOR IMPLEMENTATION AT END OF YEAR 1	ACTION REQUIRED BY	RATING SCALE
<p>The Essential Community Services</p> <p>Strategy 1: Ensure access to essential victim services in each court catchment area</p> <p>Work to develop and support essential services in court catchment areas in Northern Ontario. (#2)</p>	<p>Provincial Government, Community Coordinating Committees, Band Councils & Community Networks</p> <p>MSG</p> <p>Local Coordinating Committees</p> <p>Legal Aid Ontario</p> <p>Legal Aid Ontario</p> <p>District Health Council & Local Coordinating Committee</p> <p>OHA</p> <p>OHA, MOHLTC & community agencies</p> <p>MOHLTC & OMA</p>	

JCDV CRITICAL STRATEGY AND RECOMMENDATION FOR IMPLEMENTATION AT END OF YEAR 1	ACTION REQUIRED BY	RATING SCALE
<p>Strategy 2: Ensure that children exposed to domestic violence have access to services.</p> <p>Police and victim crisis service be trained and develop policy to respond to children at the scene of a domestic occurrence. (#22)</p> <p>Police protocol established for situations involving homicide and all serious violence where children are present. (#23)</p> <p>Government to introduce standardized intake and assessment, including screening for domestic violence, in all children's mental health centres in Ontario. (#24)</p> <p>When domestic violence is identified, appropriate supports to these children to be provided by children's mental health centres. (#25)</p> <p>To ensure existing services utilized most effectively, MCSS should encourage and support development of protocols and service coordination. (#27)</p>	<p>MSG, OPP & Municipal Police Services</p> <p>MSG, OPP & Municipal Police Services</p> <p>MCSS & MOHLTC</p> <p>Children's Mental Health Centres, MCSS & MOHLTC</p> <p>MCSS & Local Coordinating Committees</p>	<p>MSG, MCS & Local Coordinating Committees</p>

JCDV CRITICAL STRATEGY AND RECOMMENDATION FOR IMPLEMENTATION AT END OF YEAR 1	ACTION REQUIRED BY	RATING SCALE
<u>The Effective Justice System Response</u>		
<p>Consistent definition of domestic violence integrated and utilized by all components of criminal justice system. (#35)</p> <p>Strategy 4: Implement standardized, specialized Police response to domestic violence across the province.</p> <p>Publicize Police complaints process and ensure resolution to include complaint communicated back to person filing complaint. (#59)</p> <p>Performance review process for Police services enhanced to include peer and client feedback (and input from colleagues) (#60)</p> <p>Annual award for best practices/innovations in the Police service for dealing with domestic violence. (#61)</p>	MAG, MSG & MCS OPP & Municipal Police Services OPP & Municipal Police Services Ontario Association of Chiefs of Police	
<p>Strategy 5: Ensure consistent enforcement of restraining orders and explore strategies to improve their effectiveness.</p> <p>Breach of restraining orders pursued through Ontario Court of Justice (Criminal Division). (#62)</p> <p>Task group to consider ways to make restraining orders more effective. (#63)</p>	MAG MAG	
<p>Strategy 6: Reinforce Crown Attorney leadership by implementing consistent standards and ensuring accountability.</p> <p>Ensure sufficient number of bail courts and Crown Attorneys in each of 54 court catchment areas. (#72)</p> <p>Crown to receive at least one day to interview victims and prepare for proceedings. (#73)</p> <p>Crown Attorneys' Office, with Police and V/WAP, to ensure victims notified of bail release conditions, as soon as possible. (#76)</p>	MAG MAG MAG	MAG & MSG and Police Services

JCDV CRITICAL STRATEGY AND RECOMMENDATION FOR IMPLEMENTATION AT END OF YEAR 1	ACTION REQUIRED BY	RATING SCALE
<p>Crowns develop criteria for use of domestic violence experts in all proceedings. These criteria included in the Crown Policy Manual. (#77)</p> <p>Recommendations # 78 – 83 relate specifically to the Crown Policy Manual. Finalize Crown Policy Manual and commence province-wide implementation.</p> <p>Crowns to develop standardized complaints process that includes communicating back to person filing the complaint. Publicize Crown complaints process. (#84)</p> <p>Performance review process for Crowns enhanced to include peer feedback and input from justice partners. (#85)</p> <p>Strategy 7: Introduce specialized court responses for prosecuting all domestic violence cases in the province.</p> <p>Judicial officers “fast track” domestic violence matters. (#89)</p> <p>Crowns to identify every domestic violence case to the court to enable “fast tracking”. (#90)</p> <p>Crown bail brief to include information from victim’s perspective on needs re: safety. (#91)</p> <p>Judicial officers review and sign all bail, probation, and conditional sentence orders to ensure their accuracy. All courts use standardized court documents to ensure consistency in language of court orders. (#92)</p> <p>Coordination between V/WAP and victim crisis services made priority. Managers from VCARS and V/WAP develop list of best practices related to service coordination to share among programs’ staff. (#95)</p> <p>Achieving Seamlessness</p> <p>Strategy 9: Implement a standardized risk assessment and safety planning tools across the system, throughout Ontario.</p>	<p>MAG</p> <p>MAG</p> <p>MAG</p> <p>MAG</p> <p>Judicial Officers</p> <p>MAG</p> <p>MAG</p> <p>MAG</p> <p>Judicial Officers & MAG</p> <p>MAG, MSG, OPP & Municipal Police Services</p>	

JCDV CRITICAL STRATEGY AND RECOMMENDATION FOR IMPLEMENTATION AT END OF YEAR 1	ACTION REQUIRED BY	RATING SCALE
Risk indicator tool questions and steps of thorough Police investigation on domestic violence incorporated onto laminated card. (#110)	MSG, OPP & Municipal Police Services	
More in-depth, standardized risk assessment form included in Crown bail brief. (#113)	MAG	
Risk indicator tool and risk assessment form become standardized component of probation officer's court order pre-sentence report. (#114)	MCS	
More in-depth, standardized risk assessment form used by corrections staff to develop case supervision and rehabilitation plans. (#116)	MCS	
More in-depth, standardized risk assessment form used by correctional staff to develop case supervision plans for offender's release. (#117)	MCS	
Threat assessment task group convened on annual basis to provide ongoing evaluation, monitoring and updating of risk indicator tool, in-depth risk assessment form, and victim's statement of risk. (#120)	MAG, MSG & MCS	
Standardized safety planning tool used by all sectors throughout Ontario. (#121)	Local Coordinating Committees	
Safety planning core service expectation for Police, V/WAP, victim crisis services, and staff of various sectors. Staff should be adequately trained and supported to fulfil this function. (#122)	Provincial Government & Local Coordinating Committees	
Police to use resources available in community to assist women to develop safety plans. (#123)	OPP, Municipal Police Services & Local Coordinating Committees	
Personal safety planning documents available in all court locations. (#124)	MAG	
CPSO issues special bulletin to profession on domestic violence, risk assessment, and duty to report/warn. (#126)	CPSO	

JCDV CRITICAL STRATEGY AND RECOMMENDATION FOR IMPLEMENTATION AT END OF YEAR 1	ACTION REQUIRED BY	RATING SCALE
<p>Strategy 10: Establish domestic violence coordinating committees in every court jurisdiction.</p> <p>Coordinating committee implemented in each of 54 court jurisdictions. (#127)</p> <p>In court jurisdictions were no coordinating committee exists, Crown, local shelter and/or other women's community agency convene first meeting of relevant stakeholders (#128)</p> <p>Recommendations # 129 – 131 relate specifically to membership of coordinating committees.</p> <p>OWD's Performance Management Framework questionnaire revised to include children exposed to domestic violence and government support continued maintenance/expansion of framework to all relevant ministries. (#132)</p> <p>Community Report Card pilot tested in 4 communities and then implemented in 54 court jurisdictions. (#133)</p>	<p>MAG, MCSS, MSG, OPP, Municipal Police Services & Community Agencies</p> <p>MAG & Local Shelter/Women's Agency</p> <p>MAG, MCSS, MSG, OPP, Municipal Police Services Judicial Officers & Community Agencies</p> <p>OWD & Provincial Government</p> <p>MAG & Local Coordinating Committees in Test Sites</p>	
<p>Strategy 11: Introduce mechanisms for provincial coordination of domestic violence responses.</p> <p>Joint government and community provincial advisory committee to consolidate Community Report Cards and review progress towards seamless response (including evaluation of continued implementation of May/1les recommendations and JCDV strategies.) (#134)</p>	<p>MAG</p>	
<p>Strategy 12: Provide more effective education and training on domestic violence for every sector of the response system.</p> <p>Principles of effective adult education and results of OWD's effective training project used as basis for future training funded and/or delivered by provincial government. (#136)</p> <p>Ministry of the Attorney General and community partner to develop</p>	<p>Provincial Government</p> <p>MAG & Community Agency</p>	

JCDV CRITICAL STRATEGY AND RECOMMENDATION FOR IMPLEMENTATION AT END OF YEAR 1	ACTION REQUIRED BY	RATING SCALE
<p>community education and professional training video for multi-sector use, on “lessons learned” from May/les and key strategies of seamless response. (#139)</p> <p>Family law lawyers, social service providers, Ontario College of Certified Social Workers, Ontario Psychological Association and Ontario Psychiatric Association (Child/Adolescent Division) targeted to receive training on domestic violence with a focus on emotional abuse, in context of custody/access. (#141)</p> <p>Recommendations # 142 – 144 relate to legal education. Specific recommendations to be implemented as outlined.</p>	<p>Family law lawyers, social service system, Ontario College of Certified Social Workers, Ontario Psychological Association & Ontario Psychiatric Association (Child/Adolescent Division)</p> <p>Law Society of Upper Canada, Canadian Association of Law Deans & Canadian Association of Law Teachers</p> <p>MAG</p>	<p>National Judicial Institute, Judiciary & Judicial Appointment Advisory Committees</p> <p>MAG</p> <p>Professional Colleges of Medicine, College of Family Physicians of Canada, Ministry of Health and Long Term Care</p>
<p>Training for Crown Attorneys to include components on domestic violence as specified in JCDV report. (#151)</p> <p>Recommendations # 152 – 157 relate to judicial education. Specific recommendations to be implemented as outlined.</p> <p>Bail Manual and Training Guide include clarification of role of court clerks and process for recording and ensuring accuracy of bail orders. (#158)</p> <p>Recommendations # 159 – 163 relate to medical education and continuing medical education. Specific recommendations to be implemented as outlined.</p> <p>Strategy 14: Implement accountability mechanisms across all sectors.</p> <p>Chief Coroner create a <i>Domestic Violence Death Review Committee</i>. (# 172)</p> <p>Annual summary report from Domestic Violence Death Review Committee delivered at the bi-annual Provincial Inter-Sectoral Symposium on Domestic Violence. (#173)</p>	<p>MSG</p> <p>Chief Coroner</p>	

APPENDIX G

GLOSSARY OF ACRONYMS

CAS	Children's Aid Society
CFO	Chief Firearms Office
CPIC	Canadian Police Information Computer
CPSO	College of Physicians and Surgeons of Ontario
IJ	Integrated Justice Project
JCDV	Joint Committee on Domestic Violence
LAO	Legal Aid Ontario
MAG	Ontario Ministry of the Attorney General
MCS	Ontario Ministry of Correctional Services
MCSS	Ontario Ministry of Community and Social Services
MET	Ontario Ministry of Education
METRAC	Metropolitan Action Committee on Violence Against Women
MOH	Ontario Ministry of Health and Long Term Care
MSGCS	Ontario Ministry of the Solicitor General
OPC	Ontario Police College
OPP	Ontario Provincial Police
OVC	Office for Victims of Crime
OWD	Ontario Women's Directorate
PAR	Partner Assault Response
PSD	Policing Services Division (of the Ministry of the Solicitor General)
SARA	Spousal Assault Risk Assessment
SATC	Sexual Assault Treatment Centre
SIP	Special Interest Police
VAW	Violence Against Women
VAWP	Violence Against Women Prevention (OWD program)
VCARS	Victims Crisis Assistance and Referral Services
VJF	Victim Justice Fund
VSL	Victim Support Line
VSU	Victims Services Unit (of the MSG)

